



**The Pro and Con Monthly**

▼      March, 1931      ▼

**The Motor Bus Controversy  
in Congress**

Review of Federal Action to Date  
Motor Bus Decision of Supreme Court  
Pending Motor Bus Bill Analyzed  
Points at Issue in Federal Problem  
Pro and Con--  
Is Federal Regulation Necessary?

▼  
**Report Of Month's Action By Congress**



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# The Congressional Digest

The Pro and Con Monthly

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# The CONGRESSIONAL DIGEST ▼

March, 1931  
Vol. 10 No. 3

## This Month's Feature

### The Motor Bus Controversy in Congress

#### Foreword

FOR more than six years efforts have been in progress to have Congress enact legislation for Federal control of passenger motor bus lines engaged in interstate commerce.

Until 1925 interstate bus lines, which had been developing rapidly for several years, were regulated, as far as possible, by state authorities, such as railroad commissioners, utility commissioners and other established bodies or officials.

The right of the states to do this was challenged, however, in various parts of the country by operators of bus lines on the ground that under the Constitution of the United States the control of interstate commerce was solely in the hands of the Federal Government.

Some of the suits brought in court by the bus companies against the state authorities involved the question of state taxes for use of state roads; insurance regulations; the granting of licenses and the passage of state laws governing the responsibility of bus operators for injury to passengers, etc.

Finally, on March 2, 1925, the Supreme Court of the United States decided, in two cases, that the states have no authority to regulate bus lines engaged in interstate commerce. (See page 68 this issue.)

Whereupon the National Association of State Railroad and Utility Commissioners began to work for Federal legislation on the ground that the decision of the Supreme Court left the interstate bus lines free from any regulation whatever, except ordinary police regulations. Motor bus lines joined in the effort and were followed by the American Automobile Association; the electric railway companies and the railroads.

As the various interests affected entered the picture

the drafting of a bill became more and more complicated.

In 1926 the House Committee on Interstate and Foreign Commerce, to which all House bills for Federal control had been referred, held extensive hearings. In the same year the Interstate Commerce Commission began an independent investigation of the question.

Meanwhile, repeated conferences were held by the various interests affected by the proposed legislation.

The proposed legislation hung fire until 1930, when, on February 27 the Interstate and Foreign Commerce Committee reported to the House the Parker bill, H. R. 10288. This bill was passed by the House, amended, on March 24.

When it reached the Senate it was referred to the Committee on Interstate Commerce, which amended it and reported it to the Senate on April 14. A minority report was filed on April 17.

The bill was discussed in the Senate and recommitted. It was reported again and discussed during the closing days of the past session. As unfinished business, it was again brought up when Congress reconvened in December, 1930; was discussed for several days and finally, on January 4, 1931, was again recommitted.

A subcommittee of the Senate Committee on Interstate Commerce was appointed to consider proposed amendments. On February 14 that subcommittee had not acted.

It is expected that the Committee on Interstate Commerce will probably report the bill again before the end of the current session, but even the most ardent supporters of the bill have little hope of its passage before adjournment.

Since the Seventy-first Congress comes to an end on March 4, 1931, and all pending legislation dies with it, the bus bill will have to be reintroduced in the next Congress and pass both Houses in order to become a law.

# Six Years of Effort

## Motor Bus

### 1925

FOLLOWING the decision on March 2, 1925, by the Supreme Court of the United States in the cases of Buck vs. Kuykendall and Bush and Sons Co., vs. Maloy; state utility commissions began consideration of plans for Federal legislation to cover the subject of the regulation of interstate bus traffic.

William D. B. Ainey, chairman, Pennsylvania Public Service Commission and president of the National Association of Railroad and Utility Commissioners, appointed a special committee to draft a bill for presentation to Congress. The members of this committee were: Hon. Henry G. Wells, member of the Department of Public Utilities, State of Massachusetts; Hon. Sherman C. Handy, Chairman of the Michigan Public Utilities Commission; Mr. Frank M. Hunter, Counsel for the Public Service Commission of Pennsylvania; Mr. Carl I. Wheat, Counsel for the Railroad Commission of California and Mr. John E. Benton, General Solicitor for their National Association, who served as Chairman.

In October, the National Association of Railroad and Utility Commissioners met in Washington and approved a bill drawn by its special committee.

On December 16, this bill was introduced in the Senate by the late Senator Cummins, Iowa, R., (S. 1734). It provided for Federal regulation of both motor buses and motor trucks engaged in interstate commerce, authorizing state commissions, acting in a Federal capacity, to regulate motor carriers in interstate commerce. Following the introduction of these bills, a general conference was held in Washington at which were represented the National Association of Railroad and Utility Commissioners; Bus Division, American Automobile Association; National Automobile Chamber of Commerce; American Railway Association; American Electric Railway Association; The Express Companies, and representatives of sightseeing motor bus companies. At this meeting amendments to the Cummins bill were offered and accepted by the various organizations represented.

### 1926

ON JANUARY 7, Rep. Garber, introduced a bill (H. R. 7092) to regulate motor vehicles in interstate commerce and provided for the creation of regional boards.

On January 23, Rep. Parker, N. Y., R., introduced a companion bill to the Cummins bill (H. R. 8266).

On March 22-29, the Senate Committee on Interstate Commerce held hearings on the Cummins bill. (S. 1734).

On April 5, Sen. Reed, Pa., R., introduced a bill (S. 3894) to regulate interstate commerce by motor vehicles for hire through the interstate tunnel then being constructed under the Hudson River between New York City and Jersey City, and over the interstate bridge then

being constructed across the Delaware River between the city of Philadelphia and the city of Camden.

On April 6, Rep. Bachrach, N. J., R., introduced a companion bill to the Reed bill. (H. R. 11055).

The Reed and Bachrach bills contained the principle of regulation by state commissioners acting in a Federal capacity; provided for the issuance of a certificate of convenience and necessity and provided for appeal to the Interstate Commerce Commission.

On May 10, the Reed bill (S. 3894) was passed by the Senate, and referred in the House to the Committee on Interstate and Foreign Commerce.

On May 21, the House Committee on Interstate and Foreign Commerce held hearings on the Reed-Bachrach bill, at which the American Automobile Association opposed the bill on the ground that it was piece meal legislation and did not include provisions affecting the entire country.

On May 21, the Interstate Commerce Commission, on its own motion, instituted an investigation into the general motor carrier situation with a view to making such recommendations to Congress as it should deem advisable.

On June 16, the Interstate Commerce Commission announced that hearings on the motor carrier situation would be held at various cities throughout the country and cited the various transportation companies to appear.

On July 27, these regional hearings were begun and continued until September 29.

On October 9, a final general hearing was held at the Commission offices in Washington.

On December 22, Rep. Denison, Ill., R., introduced a bill (H. R. 15606) embodying the views of the American Automobile Association for the regulation of interstate motor bus traffic. A companion bill was introduced in the Senate by Sen. Watson, Ind., R., (S. 5730).

### 1927

BEGINNING January 11, in New York City and continuing until December, meetings of the various transportation and automobile organizations were held with a view to reconciling differences on proposed legislation in anticipation of the convening of the Seventieth Congress in December.

On December 2, the U. S. District Court for the Eastern District of Kentucky, in the case of Ohio-Kentucky Inter-State Bus Co., versus Griffin Kelley, Commissioner of Motor Bus Transportation of Kentucky, held that the Commissioner had no right to deny a certificate

# to Obtain Federal Legislation

in interstate commerce on the basis of "conservation of the highways" and "congestion of the highways."

On December 5, Rep. Denison, Ill., R., reintroduced his original bill, which became H. R. 19, 70th Congress; and Rep. Parker, N. Y., reintroduced his bill which became H. R. 5640.

On December 6, Sen. Watson, Ind., R., reintroduced his bill with a new number, S. 1252.

## 1928

ON January 21, the Interstate Commerce Commission made public the report on the investigations into motor bus traffic begun May 21, 1926. This report recommended the passage of legislation along the general lines of the bills pending in Congress. (See Majority Report, H. Com. Int. and For. Comm., p. 78.)

On March 24, Rep. Parker, N. Y., R., chairman of the House Committee on Interstate and Foreign Commerce, upon the recommendation of the American Automobile Association, introduced a shorter bill, H. R. 12380, as a substitute for the Denison bill.

On April 9, Sen. Watson, Ind., R., introduced in the Senate a companion bill (S. 3992) to the new Parker bill.

On April 10, the House Committee on Interstate and Foreign Commerce began hearings on the new Parker bill, the hearings continuing until April 18.

On May 15, a subcommittee appointed by the Committee on Interstate Commerce to draft a bill, recommended that a bill be reported covering the liability of buses in interstate commerce for indemnity to passengers. The bill committee rejected this recommendation and voted to defer further action until the second session of the Seventieth Congress.

On December 20, following various conferences among motor bus and railroad interests during the summer and autumn, Rep. Parker introduced a new bill, H. R. 15621.

On December 21, Senator Watson, also introduced a new bill, S. 5085, identical with the Parker bill.

## 1929

ON January 21, the Interstate Commerce Commission in response to a request from Rep. Parker, made to the committee on Interstate and Foreign Commerce a report on its investigations.

On February 19, Rep. Huddleston, Ala., D., introduced a bill (H. R. 17189) providing that operators of interstate bus lines should file insurance or bonds.

On March 8, a joint conference of railway, electric

railway, state utility, and automobile officials was held in Washington to draft amendments to the pending Parker bill.

On April 15, Congress convened in extraordinary session.

On April 22, Sen. Couzens, Mich., R., was made chairman of the Senate Committee on Interstate Commerce.

On June 10, Rep. Parker reintroduced his bill as H. R. 3822.

## 1930

ON January 6, Rep. Parker New York, introduced a new bill, H. R. 7954.

On January 8-9, the House Committee on Interstate and Foreign Commerce held hearings on the Parker bill.

On February 23, Rep. Parker introduced another bill, H. R. 10202.

On February 26, Rep. Parker introduced still another bill, H. R. 10288, as a substitute for all pending motor bus bills.

On February 27, the Committee on Interstate and Foreign Commerce reported the Parker bill to the House. Rep. Huddleston, Ala., D., submitted a minority report.

On March 24, the House passed the Parker bill.

On April 14, the Senate Committee on Interstate Commerce reported the Parker bill to the Senate with amendments.

On April 17, Sen. Dill, Wash., D., filed a minority report.

On May 12, the Interstate Commerce Commission ordered another investigation of various phases of motor bus traffic, which is still in progress.

On May 20, the Senate recommitted the Parker bill.

On May 23, Sen. Couzens reported the bill back to the Senate from the Committee on Interstate Commerce.

On June 23, Senate leaders agreed to make the Parker bill the unfinished business of the Senate.

On June 24, 27 and July 2, the Motor Bus bill was debated and several amendments were voted on.

On July 3, Congress adjourned but the Parker bill, now generally known as the Motor Bus bill, retained its position as unfinished business.

On December 2, Senator Couzens called up the Motor Bus bill on the floor of the Senate for discussion.

On December 3, the Senate debated and adopted an amendment offered by Sen. Glenn, Ill., R., permitting railroads to organize and operate bus lines where no consolidation or merger is involved.

On December 4, the Senate continued debate on the bill and by a vote of 51 to 29 adopted the motion of Sen. Smith, S. C., D., to recommit the bill to the committee on Interstate Commerce.

# The Far-reaching Motor Bus Decision

## ▼ ▼ of the U. S. Supreme Court

**W**HEN the Supreme Court of the United States, on March 2, 1925, rendered decision in two cases denying the right of state authorities to regulate motor bus companies engaged in interstate commerce, the way was paved for a campaign for the passage of a law by Congress which would bring these interstate bus lines under the control of the Federal Government through the Interstate Commerce Commission.

The decision of the Supreme Court, which covered one case brought up on appeal from the State of Washington and another from the State of Maryland, was, in effect, that State authorities had no power to regulate bus lines engaged in interstate commerce. The points involved in the two cases are fully set forth in the opinions of the Supreme Court, as delivered by Mr. Justice Brandeis, and in a separate opinion delivered by Mr. Justice McReynolds.

Prior to the disposition of these cases by the Supreme Court, state authorities had gone on the theory that they would regulate interstate bus lines running through their respective states until Congress enacted legislation to the contrary or until the Supreme Court passed upon the question. This attitude on the part of state officers was challenged by bus companies and the law suits brought by the bus companies led eventually to the Supreme Court decisions.

With the question finally settled by the Supreme Court, the National Association of Railroad and Utility Commissioners began its efforts for national legislation. The decision of the Supreme Court in the two cases referred to are given below.

### Buck vs. Kuykendall—

#### Opinion of the Court

**T**HIS is an appeal, under 238 of the Judicial Code, from a final decree of the Federal court for western Washington, dismissing a bill brought to enjoin the enforcement of pp. 4 of chapter 111 of the Laws of Washington, 1921. That section prohibits common carriers for hire from using the highways by auto vehicles between fixed termini or over regular routes, without having first obtained from the director of public works a certificate declaring that public convenience and necessity require such operation. The highest court of the state has construed the section as applying for common carriers engaged exclusively in interstate commerce. The main question for decision is whether the statute, so construed

and applied, is consistent with the Federal Constitution and the legislation of Congress.

Buck, a citizen of Washington, wished to operate an auto stage line over the Pacific highway between Seattle, Washington, and Portland, Oregon, as a common carrier for hire, exclusively for through interstate passengers and express. He obtained from Oregon the license prescribed by its laws. Having complied with the laws of Washington relating to motor vehicles, their owners and drivers, and alleging willingness to comply with all applicable regulations concerning common carriers, Buck applied there for the prescribed certificate of public convenience and necessity. It was refused. The ground of refusal was that, under the laws of the state, the certificate may not be granted for any territory which is already being adequately served by the holder of a certificate; and that, in addition to frequent steam railroad service, adequate transportation facilities between Seattle and Portland were already being provided by means of four connecting auto stage lines, all of which held such certificates from the state of Washington. To enjoin interference by its officials with the operation of the projected line, Buck brought this suit against Kuykendall, the director of public works. The case was first heard, under pp. 266 of the Judicial Code, before three judges, on an application for a preliminary injunction. They denied the application. A further application for the injunction, made after amending the bill, was likewise denied. Then the case was heard by the district judge upon a motion to dismiss the amended bill. The final decree dismissing the bill was entered without further opinion.

That part of the Pacific highway which lies within the state of Washington was built by it with Federal aid, pursuant to the Act of July 11, 1916. Plaintiff claimed that the action taken by the Washington officials, and threatened, violates rights conferred by these Federal acts, and guaranteed both by the 14th Amendment and the commerce clause. In support of the decree dismissing the bill this argument is made: The right to travel interstate by auto vehicle upon the public highways may be a privilege or immunity of citizens of the United States. A citizen may have, under the 14th amendment, the right to travel and transport his property upon them by auto vehicle. But he has no right to make the highways his place of business by using them as a common carrier for hire. Such use is a privilege which may be granted or withheld by the state in its discretion, without violating either the due process clause or the equal protection clause. The highways belong to the state. It may make provision appropriate for securing the safety and con-

venience of the public in the use of them. It may impose fees to defray the cost of supervision and maintenance, and to obtaining compensation for the use of the road facilities provided. With the increase in number and size of the vehicles used on a highway, both the danger and the wear and tear grow. To exclude unnecessary vehicles—particularly the large ones commonly used by carriers for hire—promotes both safety and economy. State regulation of that character is valid even as applied to interstate commerce, in the absence of legislation by Congress which deals specifically with the subject. Neither the recent Federal highways acts, nor the earlier post road acts do that. The state statute is not objectionable, because it is designed primarily to promote good service by excluding unnecessary competing carriers. That purpose also is within the state's police power.

The argument is not sound. It may be assumed that pp. 4 of the state statute is consistent with the 14th Amendment; and also, that appropriate state regulations, adopted primarily to promote safety upon the highways and conservation in their use, are not obnoxious to the commerce clause, where the indirect burden imposed upon interstate commerce is not unreasonable. The provision here in question is of a different character. Its primary purpose is not regulation with a view to safety or to conservation of the highways, but the prohibition of competition. It determines not the manner of use, but the persons by whom the highways may be used. It prohibits such use to some persons while permitting it to others for the same purpose and in the same manner. Moreover, it determines whether the prohibition shall be applied by resort, through state officials, to a test which is peculiarly within the province of Federal action,—the existence of adequate facilities for conducting interstate commerce. The vice of the legislation is dramatically exposed by the fact that the state of Oregon had issued its certificate, which may be deemed equivalent to a legislative declaration that, despite existing facilities, public convenience and necessity required the establishment by Buck of the auto state line between Seattle and Portland. Thus, the provision of the Washington statute is a regulation, not of the use of its own highways, but of interstate commerce. Its effect upon such commerce is not merely to burden but to obstruct it. Such state action is forbidden by the commerce clause. It also defeats the purpose of Congress expressed in the legislation giving Federal aid for the construction of interstate highways.

By motion to dismiss, filed in this court, the state makes the further contention that Buck is estopped from seeking relief against the provisions of pp. 4. The argument is this: Buck's claim is not that the department's action is unconstitutional because arbitrary or unreasonable. It is that pp. 4 is unconstitutional because use of the highways for interstate commerce is denied unless the prescribed certificate shall have been secured. Buck applied for a certificate. Thus he invoked the exercise of the power which he now assails. One who invokes the provisions of a law may not thereafter question its constitutionality. The argument is unsound. It is true that one cannot, in the same proceeding, both assail a statute and rely upon it. Nor can one who avails himself of the benefits conferred by a statute deny its validity. But in the case at bar, Buck does not rely upon any provision of the statute assailed; and he has received no benefit under it. He was willing, if permitted to use the highways, to comply with all the laws relating to common carriers. But the permission sought was denied. The case presents no element of estoppel.—*Extracts, see 1, p. 96.*

### Bush vs. Maloy—

#### Opinion of the Court

A STATUTE of Maryland prohibits common carriers of merchandise or freight by motor vehicle from using the public highways over specified routes without a permit. The Public Service Commission is charged with the duty to "investigate the expediency of granting said permit" when applied for; and it is authorized to refuse the same if it "deems the granting of such permit prejudicial to the welfare and convenience of the public."

George W. Bush & Sons Company applied for a permit to do an exclusively interstate business as a common carrier of freight over specified routes, alleging its willingness and intention to comply with all applicable regulations concerning the operation of motor vehicles. After due hearing the permit was denied. This suit was brought in a court of the state to restrain the state officials from interfering with such use of the company's trucks. The bill alleged, and it was admitted by demurrer, that the highways were not unduly congested; that they are so constructed that they can carry burdens heavier than that which would be imposed by plaintiff's trucks; that the operation of its trucks would impose no different burden upon the highways than the operation of the trucks of the same kind and character by private persons, which was freely permitted; and that, in refusing the permit, the commission had considered merely "whether or not existing lines of transportation would be benefited or prejudiced, and in this way the public interest affected." The plaintiff claimed that, regardless of permit, it was entitled to use the highways as a common carrier in exclusively interstate commerce. The trial court dismissed the bill. Its decree was affirmed by the highest court of the state.

This case presents two features which were not present in *Buck v. Kuykendall*. The first is that the highways here in question were not constructed or improved with Federal aid. This difference does not prevent the application of the rule declared in the *Buck* case. The Federal-aid legislation is of significance, not because of the aid given by the United States for the construction of particular highways, but because those acts make clear the purpose of Congress that state highways shall be opened to interstate commerce. The second feature is that here the permit was refused by the commission, not in obedience to a mandatory provision of the state statute, but in the exercise, in a proper manner, of the broad discretion vested in it. This difference also is not of legal significance in this connection. The state action in the *Buck Case* was held to be unconstitutional, not because the statute prescribed an arbitrary test for the granting of permits, or because the director of public works had exercised the power conferred arbitrarily or unreasonably but because the statute, as construed and applied, invaded a field reserved by the commerce clause for Federal regulation.—*Extracts, see 1, p. 96.*

### Both Cases--Separate Opinion of Mr. Justice McReynolds

I AM of opinion that the courts below reached correct conclusions in these causes.

The states have spent enormous sums in constructing roads, and must continue to maintain and protect them at great cost if they are to remain fit for travel.

*Continued on page 71*

# An Analysis of the Pending Motor Bus Bill

by John  
M. Meighan

**T**HE pending motor bus bill, H. R. 10288, as passed by the House and now before the Senate is very similar in its regulatory provisions to the laws of forty-seven states and the District of Columbia regulating the intrastate operation of motor buses within their respective territories. The State of Delaware is the one state that has no bus regulation law.

## What the Bill Provides

**BRIEFLY**, the requirements with respect to regulation, as contained in H. R. 10288 are:

1. That any person or corporation before engaging in interstate operation as a common carrier of persons by motor vehicle must apply to the Interstate Commerce Commission for a certificate of public convenience and necessity.
2. That in operating under a certificate of public convenience and necessity the motor carrier must submit to certain terms and conditions, which require:
  - a. That it must furnish additional service over or extend the lines of the routes specified in the certificate whenever in the opinion of the commission such additional service or extension of route is necessary.
  - b. That it cannot deviate from the route specified in the certificate except with the permission of the commission.
  - c. That surety bonds or policies of insurance, or other securities or agreements in such form and adequate amount as the commission may require must be posted with the commission to indemnify passengers against injury or death.
  - d. That the carrier must file tariffs with the commission and not collect any different fares than those specified in the tariff except with the approval of the commission, that tariffs so filed must be just and reasonable and that if the Commission on complaint and after hearing finds that tariffs are not just and reasonable, new tariffs shall be filed.
  - e. That in applying for and getting a certificate of convenience and necessity every carrier must agree that in any proceeding to determine the justness or reasonableness of rates there shall be no consideration, an evidence or elements of value of the property of the carrier, given to either good will, earning power, going value, or the certificate under which the carrier is operating.
  - f. That the certificate of convenience and necessity can

be suspended or revoked for any failure by the carrier to comply with any provision of the law or any lawful order promulgated by the Commission.

g. That, generally, the carrier must submit to regulation by the commission providing for continuous and adequate service at just and reasonable rates, a uniform system of accounts and reports, qualifications and maximum hours of service of employees, safety of operation and equipment, comfort and passengers, and pick-up delivery points whether on regular routes or within defined localities or districts.

## Purposes of Bill Explained

The method of regulating is unlike any yet advanced by Congress as a means of regulating interstate commerce in that it provides for regulation by joint boards comprised of State representatives. Under the provisions of Section 3 of the Act, when an application is made for an operation involving not more than three States the Commission is required to refer the matter to a joint board made up of one representative from each State within which the motor carrier operations are to be carried on. In cases involving more than three States the Commission is not required to refer the matter to a joint board but is permitted, in its discretion, to do so if such a reference seems advisable. These joint boards are not of a permanent nature but are set up to take care of each individual matter referred to them by the Interstate Commerce Commission. A joint board so constituted holds hearings and makes a recommendation for appropriate order on any case referred to it, which becomes the order of the Commission if no exceptions are taken within twenty days after service upon the parties concerned or if within that period the order is not stayed or postponed by the Commission. Where exceptions are filed it is the duty of the Commission to consider the same and if sufficient reason appears therefor grant such review or make such orders or hold such further hearings or proceedings as may be necessary to properly carry out the provisions of the Act.

In cases which are not required to be referred to joint boards, matters arising under the administration of the act may be heard and decided by the Commission or may, by order of the Commission, be referred to any Examiner or a member of the Commission. The proceedings, together with the procedure on recommended orders, when cases are heard by one member or an Examiner of the Commission, is the same as in cases referred to and heard by joint boards.

Matters which the Commission is required to refer to joint boards include applications for the issuance of certificates of public convenience and necessity, the suspension, change or revocation of such certificates, applications for the approval and authorization of consolidations, mergers or acquisitions of control, complaints as to violations by common carriers of requirements for furnishing continuous and adequate service, uniform systems of accounts and reports, qualifications and maximum hours of service of employees, complaints as to rates, fares and charges of carriers, and the approval of surety bonds, policies of insurance or other securities or agreements for the protection of the public.

In cases where bus operations have been instituted and carried on prior to April 1, 1930, certificates of convenience and necessity will be granted to motor carriers without hearing if the Commission is satisfied through information obtained from a questionnaire circulated for the purpose that the corporation or person making application was in bona fide operation on or before April 1, 1930. In such cases the applications for certificates of convenience and necessity are not referred to joint boards.

The Act provides that for willful violation of the Act

or any final order thereunder or of any term or condition of any certificate of public convenience and necessity any corporation or person convicted shall be fined not more than \$100.00 for the first offense and not more than \$500.00 for any subsequent offense. Each day of such violation under the law shall be constituted a separate offense. The Commission or any party injured by a violation of the provisions of the Act can apply to the District Court of the United States where the motor carrier concerned in the complaint operates, for the enforcement of the provisions violated and the court is given jurisdiction to enforce obedience to the Act by writ of injunction or by other process, mandatory or otherwise.

The Act includes a provision to the effect that nothing in the Act shall be construed to affect the powers of the several States in their regulation of carriers engaged in intrastate commerce.

There are also several concluding sections dealing with the matter of expenses of administration, the right to alter, repeal or amend any provision of the Act and the separability of provisions of the Act to prevent the whole law from being declared unconstitutional or invalid because some of the sections have been so declared.

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### Separate Opinion of Mr. Justice McReynolds

*Continued from page 69*

The problems arising out of the sudden increase of motor vehicles present extraordinary difficulties. As yet nobody definitely knows what should be done. Manifestly, the exigency cannot be met through uniform rules laid down by Congress.

Interstate commerce has been greatly aided—amazingly facilitated, indeed—through legislation and expenditures by the states. The challenged statutes do not discriminate against such commerce, do not seriously impede it, and indicate an honest purpose to promote the best interests of all by preventing unnecessary destruction and keeping the ways fit for maximum service.

The Federal government has not and cannot undertake precise regulation. Control by the states must continue, otherwise chaotic conditions will quickly develop. The problems are essentially local, and should be left with the local authorities unless and until something is done which really tends to obstruct the free flow of commercial inter-course.

The situation is similar to the one growing out of the necessity for harbor regulations. State statutes concerning pilotage, for example, have been upheld although they amounted to regulation of interstate and foreign commerce. "They fall within that class of powers which may be exercised by the states until Congress has seen fit to act upon the subject."—*Extracts, see 1, p. 96.*

## Principal Points at Issue in



## Motor Bus Regulation Problem

In the discussions of the Motor Bus bill during hearings before the House Committee on Interstate and Foreign Commerce, on the floor of the House, in the Senate Committee on Interstate Commerce and on the floor of the Senate, several major points of controversy developed.

From the very initial consideration of the bill by the House Committee, the basic question of whether there should be any Federal control of interstate traffic by motor bus was challenged, some members of the House expressing themselves frankly and emphatically against Federal control.

The proponents of Federal control, supported by a report from the Interstate Commerce Commission, took the position that Federal control was necessary to prevent the development of chaotic conditions in the passenger motor bus operations of the country, since the decision of the Supreme Court of the United States that the states were without authority to exercise such control.

The opponents attacked Federal control from several angles. Some opposed it on the ground that it placed too much power in the hands of the Interstate Commerce Commission at the expense of the State Utility Commissions. Some expressed fear that control by the Interstate Commerce Commission would inevitably result in a raise in rates of fares on the interstate bus lines. Others expressed the fear that Federal control would lead to the eventual control of all interstate bus lines by railroad companies.

### State Boards

The debate over the provision of the bill creating state boards to act as agents for the Interstate Commerce Commission in the granting of licenses, etc., was concerned both with the question of the right of Congress to create such boards and with the question of the size of the boards, if created.

The opponents of the provision to create the boards took the position that the Federal Government under the Constitution had no power to delegate its authority to State officials.

As reported to the House from the Committee on Interstate and Foreign Commerce, the Motor Bus bill provided that not more than three States should be represented on each of these regional boards. The House, however, adopted an amendment offered by Representative Mapes, Michigan, R., providing that an application by a passenger motor bus company must be considered by a board having on its membership a representative from every State through which the applying bus line intends

to operate. Those in support of the amendment held that every State through which a bus line operated was entitled to representation on the board reviewing the applications, etc., of that bus line. Those opposed took the ground that this method would prove cumbersome and complicated.

### ▼ Railroad Ownership of Bus Lines

The question of whether the ownership of bus lines by railroad companies should be permitted was one which was highly controversial throughout the entire consideration of the bill. As passed by the House, the bill was not sufficiently specific on this point to satisfy the railroads and the Senate adopted an amendment, offered by Senator Glenn, Illinois, R., which provided that nothing in the bill should be considered as prohibiting the railroads from owning and operating bus lines, so long as there was no merger or consolidation in violation of existing law.

▼ **Consolidation of Bus Lines**

During the consideration of the bill on the floor of the Senate in January 1931, a sharp controversy developed over the question of permitting the consolidation of bus lines.

As it stood the bill did not permit consolidation. An amendment offered by Senator Glenn to permit two or more bus lines to consolidate was defeated. With a desire to iron out this and other technical features, the Senate sent the bill back to the committee.

### Certificates of Convenience

#### and Necessity

A provision of the bill that brought on sharp debate in both the House and the Senate was that covering the issuance by the Interstate Commerce Commission of certificates of necessity and convenience to applicants for licenses to operate interstate bus lines.

A certificate of convenience and necessity is the term applied to a license or charter to operate a bus line between given points. After obtaining this certificate, the bus line under the terms of the Motor Bus bill comes under the regulation of the Interstate Commerce Commission as to rates, adequacy of service, and so forth.

Proponents of this provision of the bill held that such a certificate is necessary to protect the investment of the bus companies and to insure the public protection.

Opponents held that the issue of these certificates create a monopoly.

# Should there be Federal Regulation of Interstate Motor Bus Lines?

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## Senate Committee Majority Report

THE Committee on Interstate Commerce, to whom it was referred the bill (H. R. 10288) to regulate the transportation of persons in interstate and foreign commerce by motor carriers operating on the public highways, having considered the same, report thereon with amendments and, as so amended, recommend that the bill do pass.

A full report upon the bill was submitted by the Committee on Interstate and Foreign Commerce of the House of Representatives (H. Rept. No. 783, 71st Cong.). The substance of that report has been included herein with such modifications as have been found necessary in order to conform to amendments made to the bill upon the floor of the House and to the amendments proposed by the committee. (See House Majority Report on page 78 of this number.)

In order to protect the safety of the traveling public and others who use the highways and to furnish a superior type of service, it is necessary to enact legislation with regulatory provisions that will be adequate to accomplish this end. Such provisions will necessarily result in eliminating carriers that might, in the absence of Federal supervision, enter upon or continue operations without being fully qualified to protect the public safety and safeguard the public interest. While recognizing this situation, the committee at the same time desires fully to preserve competition and prevent monopoly in this rapidly growing form of transportation. The House bill contained numerous provisions to insure such competition, and the committee has, by several amendments, provided further safeguards against monopoly. Thus existing competition is preserved by the provisions of section 5 providing for the issuance of certificates of public conveniences and necessity to all bona-fide carriers operating on April 1, 1930. The provisions of the transportation act are not to be construed as giving any preference to rail or water transportation over motor vehicle transportation. The commission is generally directed to preserve competition in service and under the committee amendment to subsection (f) of section 5, the absence of motor vehicle service or of actual competition on any route is made sufficient evidence that public convenience and necessity will be served by the granting of a certificate. Under the committee amendment to the merger section, consolidations,

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## Senate Committee Minority Report

THE undersigned members of the Committee on Interstate Commerce favor reasonable regulation of interstate bus traffic, but are opposed to those provisions of H. R. 10288 that require the issuance of a certificate of public convenience and necessity by the Interstate Commerce Commission as a condition precedent to the operation of motor busses engaged in interstate traffic.

There is no necessity for requiring the issuance of such certificates as a part of the regulation that is desirable for interstate motor busses. This bill authorizes the Interstate Commerce Commission to provide all the necessary standards for the operation of interstate busses, such as insurance against injury to passengers, vehicles, or persons not passengers, requirements for continuity of operation and service, and regulations as to experience of drivers and limitations upon the length of time they shall work, which fully meet the needs of the present condition of the interstate motor bus business.

Subsection (b) of section 5, might well be termed the grandfather clause of this bill. It gives present operators the right to continue in business for 90 days, and thereafter if they have made an application for a certificate of convenience and necessity, until the Interstate Commerce Commission acts upon their application. Any operator not now in business on the route for which application is made, must await action of the commission.

In practice this will mean that the present operators in practically all cases will be permitted to continue in complete control of interstate motor-bus business for a considerable period of time, and probably permanently. The thousands of applications that will undoubtedly be filed will take a long period of time for consideration, as the Interstate Commerce Commission now has far more business of this kind than it can perform in connection with the granting of certificates of public convenience and necessity to railroads. The fact is this provision is almost unworkable as a practical method of regulation.

Why should Congress start the regulation of interstate motor busses at the point where it took 30 years of railroad regulation to reach? The conditions and status of motor busses are entirely different from those of railroads. The railroads own their own rights of way, while the rights of way for the motor bus are not only owned by

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mergers, or acquisition of control, where one or more of the parties is a railroad carrier, are forbidden. In the section with reference to rates, the claim that a rate is unjust to a competing carrier engaged in a different kind of transportation, will not justify a holding that such rate is unjust or unreasonable.—*Extracts, see 6, p. 96.*

### Senator Couzens

**D**URING the past session of Congress there was considerable debate on this bill. There appeared at that time to be three viewpoints as to the bill and as to how it should operate.

As the bill came from the House, it provided that every prospective operator of a motor-bus line must apply to the Interstate Commerce Commission for a certificate of public convenience and necessity. It is true that it contained what is called a grandfather clause, which provided substantially that those who, on the date of the passage of the bill were operating, would not be required to make an application for a certificate of convenience and necessity, but would have 90 days in which to make a showing before the commission that they were competent to operate a line, that they would maintain schedules and would maintain routes and maintain equipment for the safety of the public.

When the bill came to the Senate and went to the Committee on Interstate Commerce, the committee gave long consideration to it, and there was a division of opinion in the committee. Some of the committee thought that the bill as it came from the House was all right; that every applicant for a permit to operate should be required to give a certificate of public convenience and necessity.

There was another group in the committee which thought that there should be no certificate of public convenience and necessity required under any circumstances; that every applicant for permission to run a bus line should be required only to assure the commission that they were financially competent to operate a schedule, to maintain their busses in the interest of the safety of the riding public, and would be able to pay damages in case of accident. In other words, there was to be no question about the proposed operation being necessary for public convenience.

There was another group in the committee which thought that competition should be maintained, that unless there were two bus lines operating between two points, it should be mandatory on the commission to issue a certificate if the applicant complied with all the rules and regulations of the commission.

That view prevailed in the committee. In other words, the committee reported the bill out containing a provision, in the form of instructions to the Interstate Commerce Commission, that unless there was competition between the two points, the commission would be required—in other words, it would be mandatory upon the commission—to grant a certificate if the applicant complied with all the safety and other regulations promulgated by the commission. That is the form in which the bill came back from the committee to the Senate.

Senator Glenn of Illinois offered an amendment, which

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the public, but the highways over which the cars run are maintained at public expense. A certificate of public convenience and necessity provision of the interstate commerce act was not added for many years. When it was added, the power to make railroad rates was given the Interstate Commerce Commission. This bill does not grant the power to make rates for interstate motor busses, but does grant the commission the power to give a monopoly of the motor-bus business to a few companies and stifle competition by declaring a bus rate unreasonably low, although an operating company may insist the rate to be compensatory and satisfactory. This will enable them to maintain rates much higher than would result from competition.

The majority of the committee found itself in an indefensible position in this connection and amended the House bill by providing where there is only one bus operating over a given line, the granting of a certificate shall be compulsory if an application is made by another operator who meets the requirements laid down by the commission. This means that even though there is not enough business for two bus lines, a governmental body will authorize at least two lines to compete with one another. This may result in even higher rates, than would be charged otherwise.

This law should provide that all operators engaged in interstate motor bus business shall be required to meet the standard of regulations fixed by the commission. This would develop competition between those who desire to give service to the public. While there may be instances of too many lines operating over the same route, competitive conditions will soon correct that, and the fact that a new operator may start a bus line by meeting standards of regulations prescribed by the commission will be an incentive to those that are operating to maintain a high standard of service.

The demand for a provision authorizing the commission to grant certificates of public convenience and necessity comes from the railroad and bus owners now engaged in interstate motor-bus business.

There is no such demand from the people whom they serve. The fact is that most of the agitation for this bill has come from those engaged in the interstate motor-bus business. State public-service commissions and State railroad commissions have urged Federal regulation of interstate motor-bus business, but they have not insisted upon the provision for a certificate of convenience and necessity.

The minority members of the Interstate Commerce Committee believe the bill should be amended by striking out the provisions requiring application for issuance of the certificate of public convenience and necessity.

The adoption of this amendment will still make it necessary for the carrier by motor vehicle in interstate or foreign commerce on any public highway to secure a permit from the Interstate Commerce Commission, as provided in the bill, but it will not necessitate the long and laborious and tedious hearings and contests that will inevitably come if the certificate of public convenience and necessity provisions remain in this bill.

The minority members of the committee earnestly recommend the amendment of H. R. 10288 as hereinbefore suggested, in order that this regulation may be feasible and practicable by the commission and beneficial to the public.

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was proposed to take the place of the committee amendment and that amendment was adopted in the Senate.

The other requirements of the bill are generally those provided for the regulation of railroads, except that the Interstate Commerce Commission does not fix the rates. The Interstate Commerce Commission assures itself that the rates are reasonable.

There is a provision in the bill for setting up local boards, under which if there is a question as to public convenience and necessity for a bus line between two States, the commission may permit the States to appoint a local board, made up of one member from the public-utilities commission of each State. If there be no public-utilities commission within any one of the States, the governor would have the right to make the appointment. The question involved is submitted to that local board, and if a majority of that board agrees that a certificate should be entered, or that a certain permit should be granted, it becomes mandatory upon the Interstate Commerce Commission to grant it.

That is an idea presented for the purpose of reserving to the States, as nearly as is humanly possible, State rights, the right to regulate the conditions in the several States. It seems to me that that is an assurance that these matters will be dealt with expeditiously.

The instructions to the Interstate Commerce Commission are that if there is only one line, and that line is giving adequate service, in the sense that it provides for all the traffic, there can not then be issued a certificate of public convenience and necessity for a competing line.

It is discretionary whether they will grant another license for another company to operate in competition.

The Interstate Commerce Commission will fix the rates if they are unreasonable. There are no absolute provisions for the fixing of rates. They must be reasonable. Any-one may protest to the commission, and the commission may order the rates reduced. In other words, it is the same policy that was followed in the regulation of the railroads when the railroad regulatory act was first passed.

Since this session of the Congress convened the railroads have been lobbying to have the bill killed. Just as soon as the Senate disagreed to the amendment, which was to the effect that railroads might consolidate and buy up and monopolize bus lines, then the railroads began to exercise their lobbying methods to defeat the bill. The amendment would have taken out of the bill that provision which reads:

"Sec. 9. (e) No consolidation, merger, or acquisition of control shall be approved under this section if it involves the consolidation or merger of two or more carriers by railroad or the acquisition of control of any carrier by railroad by another such carrier; nor shall any consolidation, merger, or acquisition of control be approved under this section if one or more of the corporations involved is engaged, directly or indirectly, in the transportation of persons by railroad."

That was a prohibition placed in the bill by the committee to prevent a monopoly of passenger traffic by the railroads. Everyone knows that the railroads desire to monopolize the passenger traffic of the Nation. They do not make any attempt to conceal it. They were perfectly satisfied with the bill when there was in it no prohibition against their absorbing all of the bus lines of the Nation

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It is the public interest that is paramount and whatever legislation is enacted should benefit primarily the public by compelling good service and as low rates as the operators under a competitive system can afford to charge.

*Signed—C. C. DILL, W. B. PINE, SMITH W. BROOK-HART, B. K. WHEELER, R. B. HOWELL, KEY PITTMAN.—Extracts, see 7, p. 96.*

### Senator Howell

THE purpose of this bill is to eliminate competition; and yet we have authorized the appropriation of three of four hundred million dollars for inland waterways to provide competition. Here is a case where we have competition. Competition is developing. We have the benefit of it. The rates are reduced; and now we propose to enact a bill to wipe out competition in the bus business, because we know that when two bus lines have the sole privilege of operating over a certain profitable route they will get together. When a hundred organizations in this country engaged in the production of some commodity will get together and fix their prices, of course, two bus lines will get together and fix their prices.

It seems to me our attitude would be utterly inconsistent if we enact this bill. If we do not want any competition with the railroad lines we ought not to spend three or four hundred millions of the Government's money on these inland waterways—not for a moment. If we believe in competition and in maintaining competition we should cling to what we have now. That is here.

There is a bill pending in the House now for the regulation of rates by truck, for the regulation of trucks in interstate commerce. When this bill is through and out of the way, you will have that bill before you, and then you will come to the question of eliminating competition in freight rates, when there is actual and present competition. But you say, "No; let us wipe out all of the competition that exists now." We are going, however, to spend three or four hundred million dollars to develop inland waterways so that we can compete with the railroads. Now, really, is the position consistent?

Are we for competition? Are we for lower rates, passenger and freight? Is there any other way to secure them than through competition? If we believe in competition, then certainly we should not pass such a bill as this. Why, if we believe in competition, should we pass such a bill as this and then depend upon improving our waterways in order to develop competition through the expenditure of hundreds of millions of dollars?—*Extracts, see 10, p. 96.*

### Senator Dill

THREE sets of hearings have been held on this legislation at different times. The first hearings came in 1926, after the Supreme Court of the United States had declared that the States could not regulate interstate bus

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if they chose to unify them with their rail systems. When the bill permitted that sort of thing to be done it was entirely satisfactory to the railroads. But now that the Senate has refused to permit them to acquire by consolidation, purchase, or otherwise all of the bus lines of the Nation there is a concerted movement to have the bill killed.—*Extracts, see 8, p. 96.*

### Senator Kean

**B**ECAUSE of its location between the great centers of population of New York, on the one hand, and Philadelphia, on the other, New Jersey's problem in this regard is a very acute one. There are a great many unregulated interstate motor-bus lines operating throughout the State. Taking a typical week day, such as March 27, 1930, the number of busses passing through the Holland Tunnel between Jersey City and New York number 1,047 vehicles.

The Delaware Bridge, connecting Camden, N. J., with Philadelphia, was opened to traffic in July, 1926. Considering another typical day on March 5, 1930, the number of busses operated over the bridge between Philadelphia and Camden was 4,071.

During the rush hours of morning and afternoon, when thousands of people are going to and from work, it has been found that irresponsible busses have been operated at these times. The bus lines that are running on regular schedule throughout the day endeavor to maintain uninterrupted service. They aim to be of service to the traveling public, and are run on regular schedules whether there be a sufficiency of passengers or not. They are the pioneers in this industry. So-called "wildcat" busses have started operating all over the country, operating at the free will of their owners or of the men who have borrowed enough money on them to get started. They can operate at a profit for a short time, and thus interfere greatly with the legitimate or regular bus lines. They interfere with the regular trips to and for; they are insanitary; they put up no bonds for the protection of the public in case of injury; they refuse to stop more than once in a State, because should they stop twice they would be subject to regulation by the State commission. The public are very badly served and, in my opinion, are very anxious for the enactment of legislation of this character.

There is no regulation to prevent the operation of these buses in interstate business. In other words, a trip originating in one State and ending in another is not regulated by law. The responsible bus owners desire this regulation and desire that all buses should come under similar law; otherwise chaos will result from the absence of proper regulation.

A chaotic condition has been the result of the absence of a law to regulate interstate buses. The public welfare has not been kept in mind; the fares charged by the unregulated lines have varied, and in a great many instances to the extent that a rate fixed one day would be changed again the next day. Unsafe and insanitary busses have been utilized. Absence of financial responsibility in case of injury or death, the fixing of routes for the convenience of patrons, the using of highways without any return, and the necessity arising for additional police regulation, all tend to make for confusion and loss to the

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operation; and immediately there was a great outcry that we must have Federal regulation. I want to call attention to who it was that came here insisting so strongly upon this legislation.

The vice president and general manager of the Wilmington & Philadelphia Traction Co., the Delaware Bus Co., and the Southern Penn Bus Co., wants this legislation passed because he knows that if it is passed in the way it is written, these certificates of necessity will keep out future competition. Consequently he thinks it will be a great thing if he can get the Government by law to put up the wall and shut out the competition which he has to meet on the merits of the service he gives to people.

It is a very interesting fact that these people who are in the bus business, who are well established, and who are in the trolley business or in the railroad business, want to have this legislation to protect them. There is not any demand here from the people of the country generally for this legislation. This legislation does not grow out of any great trouble that the people are having in the matter of rates or charges that are made to them. The only real complaint representing the interests of the people is to the effect that these buses use the State highways and tear them up and destroy them and that the States can not regulate them. There is some complaint that there are fly-by-night companies, as they may be called—companies that spring up and run for a little while and then drop out of existence and clutter up the highways—and with those complaints I am in the fullest sympathy. To meet those evils, to meet those conditions, I am ready to vote for legislation at any time; but the thing that it is proposed to do in this instance is what is always proposed when there is a demand for legislation to protect the people's interests. In getting legislation ostensibly to protect the people's interests we get legislation that does far more to protect the interests of those engaged in the business than to protect the interests of the people; and if this monopolistic organization can be built up under this legislation, the rates on buses will be kept up with trolley and railroad rates to such an extent that there will not be any advantage to the people. They will pay so much more in the additional cost of rates, over and above what they would pay if competition had free play, that they could just as well continue to fix up the roads that would be destroyed thereby.

It is not necessary, it is not even good legislation, in protecting the roads of the country and in protecting the citizens of the country, to pass legislation that gives a monopolistic control to those that are now operating.

The practice of granting certificates of convenience and necessity was not inaugurated in connection with the railroads until the railroad business had developed to the point where there was little, if any, need for a new railroad. The period of railroad development was well completed. But in the very beginning of the regulation of the bus business we are told that it will be destructive to the interests of the people if we allow the bus business to develop.

Within the past two years on the paved highways up and down the Pacific coast the bus sleeper has been developed. Why did the bus lines take that step? For the simple reason that the competition of a new line which came in compelled the old bus lines to put on the sleeping buses in order to hold the trade. If this law had been in

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municipalities through which the buses pass. New Jersey, because of its location, is traversed by nearly one-fifth of all buses engaged in interstate traffic and contains more than one-tenth of all the companies so engaged. The necessity of control of interstate buses is not alone confined to New Jersey but is a problem which every State in the Union is daily facing in greater or less degree. It is a method of travel that is constantly on the increase, and it is a fact that interstate regulation must eventually be provided and ample provision made for this mode of travel.

The Interstate Commerce Commission realizes that the traveling public must be protected. At the present time the public has no protection whatsoever, except as may be provided by reliable carriers—those carriers which have ample assets to pay damages resulting from an accident and incurred while being carried by interstate buses.

A bus line may take out insurance, but such insurance covers only an injury that may be done to a person not a passenger on the bus; in other words, an injury done to a person on the highway. The bus industry is a growing one. It is a popular mode of travel. It touches points that are not accessible to railroads. It is a comfortable means of transportation. Business is solicited by the bus companies, and people use this mode of transportation without any thought of regulation by proper authority. Under present conditions as interstate bus is not governed by any law, and it is due to the traveling public that their interests should be protected to as great a degree as their interests are protected by any other mode of interstate travel.

Legislation by Federal authority is the only remedy for this situation, as the States do not have the power to control it.

Since the Supreme Court has decided that the several States do not have the right to restrain or regulate interstate motor carriers, every State board of utility commissioners has expressed the same views.

The growth of this industry in the last five years has justified the recommendations of public officials who urged regulation. For instance, in 1925 there were 53,200 motor busses in operation. In 1929 this number had increased to 92,400.

In 1925 the number of miles covered by motor busses was in the neighborhood of 345,500 miles.

In 1929 this mileage had increased to 719,500.

In 1925 the number of bus miles, all common carriers, amounted to 971,000,000 miles.

In 1929 it had reached 1,760,000,000.

In 1925 the passengers carried numbered 870,000,000, and in 1929 the number had increased to 1,793,000,000. The gross revenue increased from \$186,000,000 in 1925 to \$366,000,000 in 1929, and the total investment had increased from \$236,000,000 in 1926 to \$531,000,000 in 1929.

The bus as a mode of transportation is a very popular one, and there is not doubt that it has become a permanent mode of travel and has reached such proportions that regulation by the Federal Government, supplementing State regulation, is imperative.

In order to assume the regulation of rates, fares, and so forth, the commission, under this bill, is given power to set aside any such rate, fare, or charge, if after com-

existence, we could not have gotten a new bus line, because a certificate of convenience and necessity would have been required.

That is the whole trouble with this bill. The proponents seem to think that because there are two lines in existence, those two lines are going to destroy one another in order to get business, when the fact of the matter is that they have an agreement that neither will make improvements and neither will make new developments.

If there were any necessity for a certificate of convenience and necessity in order to give real regulation, I should not hesitate to permit such a provision to be adopted; but there is no necessity for it. There may be a requirement that interstate buses shall carry insurance to protect passengers, to protect the public against damages of any kind. There may be a requirement that they give bond for continuity of service and regular service. They may be made to fulfill any requirements as to safety, as to drivers, as to hours of service which may be desired by the commission. There is no reason under the shining sky at this time for the so-called certificate-of-necessity provision, except the demand of the existing bus lines, and the railroads which have bus lines, and do not want new ones to come in. Nobody has yet given a reason, and in my judgment nobody can. When we trace the cases down we find every time that they want the certificate of necessity because they do not want competition.

There are certain communities, I know, in New Jersey and New England, and around New York City, where the buses clutter up the roads, but I am convinced that investigation will show that most of that congestion is due, not to the presence of buses, or the excess number of them, but is due to the enormous freight-transportation machines, which run through those States. This bill does not attempt to touch the freight-motor business.

Railroad men are here advocating the certificate-of-necessity provision also, because they have the business now. They want the great Government of the United States, through the Interstate Commerce Commission, to throw its arm around them and say, "We will protect you. Nobody can get a license unless he can get the certificate of convenience and necessity. You do not need to worry if we give you this legislation."

That is not necessary for the protection of the public. That is not necessary for the protection of the roads. This is not necessary even for a decent protection to them. They are entitled to be protected against motor busses which spring up for a few weeks when the business is good and then go out of existence, and I want to see legislation which will give them that protection.

I have taken a little pains to find out about the certificate of convenience and necessity. I took up the question with the finance bureau of the Interstate Commerce Commission. I asked them how many applications for certificates of necessity in the railroad business they had had in 10 years. It has been 10 years since the law went into effect on the railroads.

In 10 years there were 1,300 applications. Pass this legislation and there will be 1,300 applications in one month.

I asked why it was that we do not give to the Commission the power to control rates in this bill, because if we must come to a certificate of necessity in the bus business we ought to come at the same time to a grant of

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plaint has been made in writing such rate or fare is found to be unjust or unreasonable. No tariff of rates, fares, or charges will be effective until filed and posted with the commission, and no change can be made therein except upon 30 days' notice, unless the commission for good cause shall otherwise order.

The bill prohibits the consolidation, merger, or acquisition of control of carriers operating under certificates granted by the commission, unless such consolidation, merger, or acquisition of control is approved by the commission as being in the public interest.

The bill grants power to local boards, where the carrier operates in but two States, to administer the act, and the most important feature in this regard arises from the fact that such a board will have first-hand, direct, and personal knowledge of local conditions affecting motor-bus transportation.

Present conditions are intolerable. Buses run from one State to another; they refuse to stop to take on or let off any passengers in the State except at one point so as not to bring themselves under State regulations, as they claim they are not under State control. The purpose of the bill is to correct this condition.

Many million people travel by bus from one part of the country to the other. I know of no way of protecting them except by requiring the issuance through the Interstate Commerce Commission of certificates of convenience and necessity.

Nearly every State railroad commission that has looked into this question is in favor of this bill.—*Extracts, see 7, p. 96.*

**House Committee Majority Report**

**T**HE Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 10288) to regulate the transportation of persons in interstate and foreign commerce by motor carriers operating on the public highways, having considered the same, report thereon without amendment and recommend that it do pass.

The principle of government regulation of public utilities has been generally adopted in this country, both in Federal and State matters. The enactment of legislation of the character here proposed will be merely the extension of this principle to a utility which, although comparatively new, is one which is developing with great rapidity in all parts of the United States and bears a close relation to the public interest.

It is believed that a brief reference to certain facts relating to the transportation of persons in interstate and foreign commerce by motor carriers for hire will suffice to demonstrate the necessity for Federal regulation.

Almost all the States have laws regulating intrastate transportation of persons by motor carriers. Furthermore, up to 1925, State regulatory bodies generally had assumed that, in the absence of Federal regulation of the operations of motor carriers in interstate commerce, the States had power to control such operations. In that year, however, the Supreme Court of the United States decided the cases of *Buck v. Kuykendall* and *Bush Co. v. Maloy*. In these and subsequent cases the court made it clear that the

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power to fix the rates and protect the public against any agreement which may be made between bus operators or between buses and the railroads, to protect them in the sense of fixing the rates according to the actual cost of giving service. What do the proponents of this bill say? They say that there would be such a tremendous number of bus rates involved, the sections of the country are so widely different, the conditions surrounding the different bus lines are so varied, that it would be almost an impossibility for the commission to do that effectively, and I think there is much to be said for that contention. I think there is much to be said as to the impracticability of fixing rates in the interstate bus business. But there is even more to be said as to the impracticability of requiring a certificate of necessity before one can run a bus down the road.

The only justification, in my judgment, for the use of the highways of this country for the operation of paid motor buses for carrying passengers is to give the people the opportunity to ride by that method of transportation at a lower rate of transportation than the railroads afford, because in most cases the people take the interstate buses to ride because the rate is less. For short trips they may take them because they do not make so many stops, or there may not be quite as much dirt or quite as much heat as will be found on a railroad train in summer; but when it comes to long trips across the country most of the people who take the interstate buses take them because the cost is less and they want to save money.

That, I say, is a legitimate reason. Yet in the very beginning of this business it is proposed that we take away the possibility of lowering rates and giving the public the benefit to which they are entitled if they give up the use of the highways to these buses which make money.

The railroad men who want the buses regulated are those who own the railroad lines and the bus lines, because the bill will cover them under the "grandfather clause" and give them a monopoly, while others must come in and secure a certificate of convenience and necessity, a thing practically impossible so long as the present operators continue to give any service. Thus we destroy the competition which has built up the present business to where it now is, and which has made the bus travel of the United States the best to be found anywhere in the world.—*Extracts, see 9, p. 96.*

**House Committee Minority Report**

**T**HE undersigned member of the Committee on Interstate and Foreign Commerce is unable to agree with the views expressed on behalf of the majority in the report on H. R. 10288. I am unable to support the bill for the reasons stated herein.

This bill provides for a system of regulation for passenger busses engaged in interstate commerce. It provides, as a condition precedent, that the operator of the bus must obtain from the Interstate Commerce Commission a certificate of convenience and necessity. It authorizes the consolidation of bus lines and of bus and railroad lines, both competitive and otherwise, and sets aside the antitrust acts and all State laws forbidding such consolidations.

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States, even in the absence of Federal regulation, could not require certificates of public convenience and necessity in the case of motor carriers engaged exclusively in interstate operations, or otherwise unduly burden such interstate operations. As a result, at the present time the interstate transportation of persons by motor carriers is unregulated, except in so far as it is subject to control by the States, under their police power, with respect to the imposition of regulations for the purpose of insuring the public safety and convenience, and the exaction of fees for the purpose of defraying the expense of administering such regulations.

For further evidence of the necessity for this legislation, attention is called to the committee hearings, and to Report No. 18300 of the Interstate Commerce Commission, dated April 10, 1928, containing findings and recommendations of the commission with respect to the necessity for legislation regulating interstate motor carrier operations. This report was made pursuant to an investigation begun by the commission on June 15, 1926, on its own initiative, because of the close relationship which the operations in question bear to the railroad operations governed by the interstate commerce act, and because (to use the words of the commission) of the "rapidly increasing importance of motor transport."

In its conclusions, the commission recommended Federal legislation for the regulation of interstate commerce by motor carriers operating as common carriers of passengers on the public highways over regular routes or between fixed termini, and further recommended that the legislation regulating such carriers should require the securing of certificates of public convenience and necessity, and the filing of liability insurance or indemnity bonds for the protection of the public. The commission also recommended the regulation of rates, fares, and charges. While there are differences in detail, it is to be noted that these recommendations of the commission are in line with the provisions of this proposed legislation.

In providing for the administration of this legislation, the committee has had a keen appreciation of the fact that, in almost every State, boards and commissions have for years been administering laws regulating public utilities of various kinds, including motor carriers performing transportation service similar to that here covered. The committee has felt that if use could be made of the experience and ability of the members of such State boards and commissions, an important step would be taken toward securing efficient administration. The committee has further had in mind the fact that a very large proportion of interstate motor carrier operations are comparatively local in character, for the reason that they involve only two States. This is true because of the location of many large centers of population close to State lines. With these considerations in mind the bill has been so drafted as to provide for the creation of joint boards, composed in the ordinary case of members of the State public utility boards and commissions, to which will be referred most of the important matters which will arise under the administration of the act when two States only are involved. The joint boards will act as Federal agencies in administering the act.

Provision is made for the giving of notice, in connection with all proceedings, to the governor and the board of any State involved by the carrier operations in question.

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1. There is no public demand for this bill. It was proposed and urged by the bus operators and the rail carriers, and their affiliated interests. The general public was not represented at the hearings. The public is not pressing this bill, and apparently expects no benefit from it.

2. This bill is a direct attack on the competitive system. The fundamental basis of the bill is in the elimination of competition. The main purpose of its proponents is to secure themselves against competition. This is to be accomplished through the device of the "certificate of convenience and necessity." No bus may operate without such a certificate. Having secured such a certificate, an operator will be able to present that there is no need for another line on his route, and hence no occasion for the issuance of additional certificates. In this way a monopoly will be secured.

Under existing conditions the public is protected, by competition, from poor service and extortionate charges. By this bill we create a monopoly and remit the public to a system of regulation for protection.

3. The proponents of the bill admitted candidly that its main purpose was to give a monopoly, to eliminate competition. They argued that competition should be forbidden in the interest of efficiency, that an operator can not afford to adequately equip himself and to render regular and dependable service unless he is protected against irresponsible competitors. They argued that, to give good service, an operator must expend large sums for suitable busses and terminals, and that he can not afford to do this except upon an assurance of protection against those who might seek to take the cream of the business without handling the less desirable portion.

This argument is equally applicable to all other kinds of business—to the vast steel industry and to the corner grocer. The grocer, in order to give the best service, must keep an attractive and commodious store, with an ample stock and efficient clerks. It is a hardship on him to be forced to compete with an irresponsible competitor, who by underselling or some other method, seduces the most profitable customers. In principle, to forbid competition between bus lines would warrant forbidding competition between grocery stores. There is the same, and no more, justification for the regulation of busses than for the regulation of the grocery stores.

4. The only excuse for Government regulation in any case is that the subject of the regulation is a monopoly, either natural or otherwise. We regulate railroads and gas companies, because, in their nature, they can have no real competitors. The consumer is forced to accept the transportation or gas furnished by the particular company because no choice is left to him whether he will accept the service of that company or of another. Without regulation, the company having a monopoly may exact an extortionate price. Regulation in such cases becomes a matter of necessity, for the protection of the public.

In the present state of the industry, no such argument applies to bus carriers. The bus carrier has no monopoly. He drives his vehicle along a public highway which all are free to travel. Any other, at will, may acquire a bus and serve the public up and down the same highway. The bus business, in its present state, is highly competitive. It is expanding rapidly, and generally speaking, is giving public satisfaction. There are occasional failures among the lines, of course. Sometimes hardships are worked

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It is further provided that the commission may confer with and hold joint hearings with any authorities of any State in connection with matters arising under the act, and the commission is authorized to avail itself of the cooperation, service, records, and facilities of any State, or any officials thereof, in the enforcement of any provision of the act.

The matter of regulating interstate motor carrier operations has been before the Congress constantly since 1925, when the bill (S. 1734, 69th Cong., 1st sess.) to regulate interstate commerce by motor vehicles operating as common carriers on the public highways was introduced. Since the introduction of S. 1734, other general bills regulating interstate motor-bus traffic have been introduced. In the legislation here proposed the provisions of the earlier bills have been generally adhered to, the principal departures having been made so that the act may be administratively and legally workable and provide the minimum of regulation necessary.—*Extracts, see 3, p. 96.*

### Additional Majority Views

THE undersigned, members of the Committee on Interstate and Foreign Commerce, strongly support the passage of H. R. 10288, but believe that the administration of the act should be conducted, to a greater extent than the bill now permits, through joint boards, consisting of a representative of the public utilities commission, or similar body, from each State in which the motor carrier operations are to be conducted.

The original bill introduced in this Congress provided that practically all matters relating to the operation of motor busses in interstate commerce should be referred to such joint boards regardless of the number of States through which they operated. That bill had the endorsement of the National Association of Railroad and Utilities Commissioners; the railroad brotherhoods; the bus division of the American Automobile Association; the National Association of Motor Bus Operators; the Association of Railway Executives, representing the steam lines of the country; the American Electric Railway Association, representing the electric lines of the country; and generally of all interests that would be affected by the legislation.

The bill as reported by the committee limits the jurisdiction of the joint boards to those cases where the motor-bus operations are between two States only. We believe that the joint boards should have jurisdiction of the motor-carrier operations in all cases where not more than three States are involved, and that the Interstate Commerce Commission should be given authority, in its discretion, to refer to the joint boards questions relating to the motor-carrier operations where more than three States are involved. We believe that such a change would be in the public interest.

These views are in complete accord with the recommendation of the Interstate Commerce Commission. We call especial attention to paragraph 8, page 746, of the Interstate Commerce Commission's Report No. 18300, dated April 10, 1928, on motor-bus and motor-truck operation. It is as follows:

"Original jurisdiction in the administration of regulation

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through unfair competition. Occasionally operators are forced to suspend because of the superior efficiency or financial strength of their competitors. That is not peculiar to the bus business, but is common to all competition. The operator forced out may resume when the circumstances warrant. No large capital is required. All that is needed is a vehicle and freedom to operate it on the public highway.

The bus business is not a natural monopoly. There is nothing in its nature, as such, to require regulation. The main purpose of this bill is to create a monopoly in a situation which would otherwise be highly competitive, and then to make of the monopoly an excuse for regulation.

5. It can be argued that this bill is required for reasons of public safety. The States, under their police powers, have ample jurisdiction to deal with that aspect of bus operation. They may provide for hours of service for employees, safety of vehicles and methods of operation, and fully cover every other element of safety. The committee had before it another bill which covered the safety aspects fully, but which did not attempt to provide for certificates of convenience and necessity or to grant any exclusive privileges or rights. But that bill was not considered. The bus operators and railroads did not want it, for it gave them nothing; it did not dispose of their competitors.

6. There are three economic systems—individualism, collectivism, and government regulation, of which the latter is a hybrid of the other two. The fundamental on which business is founded, and on which it has attained its present state of unprecedented development, is the system of open, free, and fair competition. Within recent decades, regulation has been resorted to as a necessary expedient to turn the edge of monopoly, and to protect the public from extortion. At best, regulation is a compromise. It has been invoked by those who wanted to hold onto the ancient competitive system as the soundest and best basis for human activity. Regulation has a proper use only when there is a monopoly, where there is no real competition, and where the principles of competition are, in the nature of things, inapplicable. In all fairness, it must be admitted that regulation, as used, has not been an unqualified success. In many cases, the influence of the interest sought to be regulated, and its affiliations, has been so powerful that regulation has been a doubtful success, and in some it has been a total failure. Vast aggregations of wealth, acquired and used in monopolistic ventures, frequently have an influence permeating, not merely through the realm of business, but through the social and political world—a seigniority not only of economic life and death, but of social recognition and political distinction. The hand of government, acting through legislatures, executives, and even courts, is found too feeble for the task of restraining corporate extortion and greed.

Because of its inherent difficulties and deficiencies, regulation is to be resorted to only in extreme cases. How foolish, then, to create a monopoly in the bus business merely to have the pleasure of attempting to protect the public by an effort to regulate it.

7. This legislation is merely a part of the general effort of an important school of business men to get away from the competitive system. On that system, business, as it has been known in the past, depends for its very existence.

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tion over motor-bus lines operating in interstate or foreign commerce as common carriers over the public highways should be vested in such State regulatory bodies or officials as are, or may be, charged with the administration of laws and regulations covering intrastate commerce by motor-bus lines in their respective States and who notify the Interstate Commerce Commission within a reasonable time that they will act. The Interstate Commerce Commission should be delegated to act with original jurisdiction instead of a State board whenever a State board fails to notify the commission of its acceptance of the delegation of authority to act under the Federal statute, and until such notice is received or where there is no State board. Joint boards composed of two or more State boards, or representatives of such State boards and of the Interstate Commerce Commission, when acting instead of a State board, should be authorized to act where the commerce is carried on in two or more States."

During the consideration of the bill in the House amendments will be offered in accordance with these views.

*Signed*—Carl E. Mapes, Adam M. Wyant, O. B. Burtness, T. J. B. Robinson, M. C. Garber, N. J. Johnson.—  
See 3, p. 96.

### Representative Denison

THE bill places the administration of this act primarily in the Interstate Commerce Commission. It provides for the creation of joint boards only for the consideration of questions arising out of motor-bus operation in commerce between two States. Suffice it to say that by far the greater part of the motor-bus business the Interstate Commerce Commission has found to be more or less local in its character, and to consist of travel between large population centers and suburbs or suburban towns, and the questions involved are so local in their character that the committee felt that we ought to utilize the services of the members of the utility commissions of these two States in solving the problems that would come up under this bill in these localities.

Under this bill, if there is a motor carrier whose operations are limited to commerce between those States, the bill would authorize questions arising under its administration to be determined by a joint board, but not in the case of a motor carrier that runs across the continent. One must understand why we have to put a limitation on the number of States that might be utilized in forming these joint boards. If a motor line runs from New York to San Francisco, before we could settle any questions arising under this bill, if that policy were applied, you would have to call together a board made up of members of boards from every State the line crosses.

We have provided in this legislation somewhat of a new policy with reference to the administration of the interstate commerce act. We have provided here that the commission, in the performance of any duties conferred upon it by this act, can delegate the performance of that duty to any member of the commission or to any examiner of the commission, except in cases where it involves motor-bus operations between two States only.

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Upon it business men have acquired an influence beyond that of any other class. On every hand mergers and consolidations are being consummated. These important business men are decrying the laws designed to force competition and to preserve the competitive system. Even the most casual consideration should lead the beneficiaries of our present system to know that always the choice is before them—shall we have competition or a system of collectivism? That is the issue. Regulation is a poor substitute for either, and it must be recognized that it will not be permanently accepted as applicable to business generally as such a substitute. Business men who sincerely believe in our economic system should fight, as for their lives, to hold onto such of competition as yet remains, and to get back upon the solid ground upon which the business world was founded.

8. Sections 4 and 5 embrace the so-called "grandfather clause," which recognizes, as a vested interest, the business of those who were operating busses on January 1, 1930. It grants to those operators a precedence and a priority, and is intended to secure to them the required permission to continue their operations. This clause discriminates against all those now operating who may have begun after January 1, and all those who may desire to begin operations in future. As a discrimination, it is unsound in principle. If we are to grant certificates giving exclusive rights and privileges, all desiring them should apply on an equal basis, and all applications should be considered upon their merits, without preference or priority, and with an eye single to the public interest.

9. By section 9 consolidations, etc., between bus lines and between bus and rail lines are authorized. Such consolidations are to be permitted without limit when found by the commission to be "in the public interest." No other consideration is to be entertained. This section is subject to every objection which can be urged against the consolidation of railroads, and, in addition, to the objections (a) that there is no safeguard for the protection of short lines and feeders; (b) that the consolidations are not required to be in pursuance of any general plan or system of grouping; (c) that the railroad consolidation bill does not authorize the acquisition of competing bus lines; (d) that a bus company may acquire competing rail lines without number; (e) that no protection for minority interests in either rail or bus lines is provided.

This section overrides the laws of the States in which the bus companies were chartered. Where they interfere with the acquisition of other carriers, competitive or otherwise, it strikes down all prohibitions and limitations imposed by the State upon its corporate creature as the condition of its creation. It makes of the corporate creature of a State a power superior to the State which created it and which may laugh at the ordinances of its creator. It clothes the corporate creature of the State with Federal powers and probably relieves these corporations of their responsibilities to the State without imposing upon them any corresponding responsibility to the Federal Government.

The bus business is yet in its infancy. With the completion of links under construction, a system of many through national highways is rapidly being developed. When the contemplated highways are completed, we may look for a vast expansion of bus lines, the extension of existing lines, and the creation of many new routes of motor transport. It would seem quite premature, in the

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where it has to delegate that duty to the joint boards provided for in the act.

Congress, in the interstate commerce act, authorized the commission to divide itself into divisions to perform the various and varied duties that have been assigned to the Interstate Commerce Commission by Congress.

Congress either has to stop placing the administration of additional laws in the hands of the Interstate Commerce Commission or else we have got to pass some kind of legislation that will relieve the commission of some of the very heavy duties they now have to perform; and in order to try out this plan of relieving the commission of some of their burdens and helping them to facilitate the transaction of the business that we assign to them, this bill puts into legislation the plan of allowing the commission to delegate many of the duties arising under the act to one member of the commission or to an examiner of that commission; and then it provides that the member or the examiner shall hold hearings, hear the arguments of the interested parties, make an investigation, and render a decision in the form of an order of the commission, and file that decision or order with the commission; and if no action is taken by the commission to suspend it or to vacate it or to grant a rehearing, the order of the examiner or of the member becomes the order of the commission in 10 days.

Now, it is believed that this provision of the bill will expedite the consideration of the additional business that we are assigning to the commission, and if it is found by experience to work successfully, if it is found that this plan works all right in the administration of this act, I have no doubt it will soon be the duty of Congress to pass other legislation to apply the same plan to the administration of the interstate commerce act generally.—*Extracts, see 4, p. 96.*

### Representative Wolverton

**T**HE same reasons that have impelled the enactment of our several States, of legislation to control and regulate motor carriers engaged in the transportation of passengers within the State, apply with equal force to the interstate transportation of passengers.

From the standpoint of the public welfare there is no essential difference between an interstate and an intrastate service. The mere crossing of a State line does not eliminate or change the need of regulation. There is identically the same necessity to regard and protect the public interest — and the duty to provide by carriers financially responsible and otherwise qualified, is just as plain in the one case as in the other. Fundamentally, there is no difference, other than the question of jurisdiction. This arises from the fact that the power to control interstate commerce is vested by the Constitution in Congress, while commerce entirely within the State remains subject to the jurisdiction of the State government.

Prior to March, 1925, however, it had been assumed by the State regulatory bodies that until Congress should exercise the power vested in it by the Constitution, to regulate commerce, and thereunder adopt legislation to regulate motor carriers engaged in interstate transporta-

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present state of development of the bus business, to provide for unlimited mergers and consolidations.

It is significant that in this, the first legislation by which Congress takes cognizance of the bus business, we should provide for wholesale consolidations. By this bill, which for the first time provides for the certificate, a device by which a monopoly is to be created, we also provide for consolidations, a means by which the monopolistic franchise or privilege may be realized upon. By facilitating the transfer of the monopolistic privilege, we encourage extensions of the monopoly and the consolidation of the separate monopolies into a few hands. It is safe to predict that, within a dozen years, practically all of the important bus lines will be owned by a few big companies, and that it is but a matter of time before the rail carrier interests will have absorbed practically the whole system of bus transportation. Every argument against monopoly is denied by this bill. It violates every principle in opposition to the aggregation of vast interests vital to the life of a people. It invokes every danger from the social, economic, and political power of inordinate accumulations of wealth.

10. The bill has numerous structural and minor defects, but it does not appear desirable to attempt to enumerate them.

*Signed—GEORGE HUDDLESTON.—See 3, p. 96.*

### Representative Patman

**T**HE motor bus bill, H. R. 10288, is designed to place bus lines carrying passengers between two or more States under the jurisdiction of the Interstate Commerce Commission. This legislation is wanted by the railroads and the bus companies. There is very little, if any, demand from the people for it. The railroads can now buy the bus lines that are doing an interstate business, but they would not be protected from other bus lines going into the business in competition with them.

If this bill passes, the railroads can purchase the interstate bus lines and be protected from future competition. The bus companies doubtless want to sell to the railroads for a big profit and, therefore, want this bill for that purpose. The interstate buses can now carry passengers a long distance for about one-half the price that must be paid over railroads, for the reason that the roadway for the bus line is furnished free and the people get a benefit in reduced rates.

I thought the Esch-Cummings railroad law was the most injurious piece of legislation of this character that was ever passed by a legislative body in any civilized country of the world. It raised freight rates on the people of Texas \$60,000,000 a year, or \$12 for each man, woman, and child. The Interstate Commerce Commission, under the authority granted it by the Esch-Cummings railroad law, has absolutely taken charge of intrastate railroads and destroyed State lines generally. A railroad can not even extend its line a distance of 10 feet in Texas without getting permission from the regulatory body at Washington. This regulatory body is not elected by the people. It is not responsible to the people directly. The only difference between this proposed bus bill and

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tion of persons or property, the right existed in the State to do so, and that the power to regulate and control continued so long as there was an absence of Federal legislation.

The Supreme Court of the United States, however, on March 2, 1925, held that State regulatory bodies could not restrict the operation of motor vehicles engaged in interstate commerce, except in the proper exercise of its police power. Consequently, from that time there has been no substantial regulation or control exercised by any agency, either Federal or State, over motor carriers engaged in interstate commerce.

Immediately after the decision had been rendered by the Supreme Court, denying the right of the State to exercise control over interstate motor carriers, a chaotic condition was created that has grown steadily worse. Interstate bus lines sprang up overnight, particularly in the sections of the country where State border lines happen to come between large centers of population. In Illinois, for example, a single bus was engaged in interstate operation from 1916 to 1920, inclusive; in 1921, two; in 1922, three; and in 1923 and 1924, six. On December 31, 1925, less than a year after the decisions in the Buck and Bush cases, there were 121 busses engaged in interstate operations, which also held certificates permitting intrastate operations, and approximately 125 uncertified busses engaged in interstate operation in Illinois.

Nowhere was the problem so acute as in New Jersey. This State, by reason of its geographic location between the large cities of New York and Philadelphia, presented an unusually attractive field for the operation of unregulated interstate motor-bus lines. In July, 1926, the Delaware River Bridge, connecting the city of Camden, N. J., with Philadelphia, was opened for traffic. This was a signal for the immediate installation of hundreds of unregulated motor busses, of every kind and condition, operating from points in New Jersey to Philadelphia. Within two months after the opening of the bridge 32 interstate bus routes were operating over the bridge, making 2,123 trips daily and carrying about 40,000 passengers. In the year 1929 the number of trips and passengers carried daily had nearly doubled. The records of the Delaware River Interstate Bridge Commission show that during the year just closed 1,272,995 single-deck busses and 40,742 double-deck busses had crossed the bridge between the States of Pennsylvania and New Jersey. This represents an approximate average of 3,600 busses each day, and indicates the tremendous problem which has confronted these two States, and particularly the two adjoining cities.

The conditions that have resulted from this vast number of busses, unregulated, and many operating with no regard for or consideration of the public good—fixing rates and fares one day and changing them another; a different charge in one direction than that returning over the same route; utilizing unsafe and insanitary vehicles, often with little, if any, financial responsibility to make compensation in case of injury or death; determining routes and schedules as best suited their own purposes and conveniences; using the streets of the municipalities and county and State highways without cost; subjecting taxpayers to increasing burdens to properly police and direct traffic, and to repair and maintain streets and highways; refusing to permit passengers to alight from busses until

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the Esch-Cummings railroad bill is that this bill is considerably worse. This bill is for the railroads and bus companies. It is against the interest of the people. I predict that within five years all these interstate busses will be owned by railroad companies.—*Extracts, see 4, p. 96.*

### Representative Brand

**T**HE bus bill now before Congress is a matter of very grave importance, turning over the regulation of the busses of interstate traffic to the Interstate Commerce Commission and giving them the power to determine the rates charged by the busses and giving them the power to grant licenses or certificates to one bus on the public highways and refusing such a license to all others.

This same Interstate Commerce Commission has charge of the regulation of the railways, together with the naming of the rates charged by the railways for their services.

If this bill is successful, I have no doubt the trucks in interstate commerce will, in like manner, be regulated so that very shortly we will have all of the forms of transportation in the United States in the hands of these eleven men composing the Interstate Commerce Commission of the United States, with the power to say who shall use the roads and who shall not, and with the power to say what charges shall be made for the services rendered.

The farmers generally have furnished the land upon which these roads are built, and to a very large extent have furnished the money which paid for the building of the roads. In most States the property rights still rest with those who furnished the land for the roads, and an easement vests in the county and the State over the roads, and the legislatures generally have passed laws regulating the buses and trucks and in so doing have vested a power in the public-utility commission of the State to grant licenses to people who apply for the use of the roads and also to refuse to other people similar licenses, so that monopolies exist in both bus and truck traffic in the States, and this bill now before the House will fasten this kind of a policy upon the whole country.

The question arises whether or not it is wise public policy to make the public highways no longer public and for the use of all the people upon the same terms. The person who paid for the road, for the most part, may now be limited in his use of the road. He may want to run a bus or he may want to run a truck, and the chances are he will not be able at all to secure a license or certificate for that purpose. Has the State a right to discriminate between its citizens as to the use of public highways?

Are we to turn these highways over to a few people for certain very important services such as trucking and bus lines in a manner so that others can not enter into the business even though they are just as well qualified in every way? Are we ready for this kind of monopoly? Are we satisfied to have it continued? Has the State any right to take public property such as roads and turn them over to certain individuals for their exclusive use for certain purposes?

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they had passed beyond the State line to avoid State regulation—these and many other equally objectionable practices have caused business men, municipal authorities, civic organizations, and the traveling public in the city of Camden, and in every other city, town, borough, and village of south Jersey, to insist that relief be granted by some form of adequate regulation.

Two years ago the opening of the Holland Vehicular Tunnel, connecting Jersey City, N. J., with New York City, gave rise to similar situations and traffic complications in north Jersey.

At the present time more than one-tenth of all the companies engaged, throughout the entire country, in the interstate transportation of persons by motor vehicles operate in the State of New Jersey, and nearly one-fifth of all the busses in the United States engaged in such business are operated in the State of New Jersey.

While the demand for Federal regulation may seem more insistent in the State of New Jersey than elsewhere, due to the correspondingly larger number of operators within that State, yet the same conditions, giving rise to the necessity of regulation and control, exist in every State as well. Consequently, since the decision in the Buck case by the Supreme Court, the boards or departments of the State governments charged with the regulation of State-operated busses have been asking that Federal legislation be enacted to supervise bus operators in the field of operation which the State governments are unable to reach, but no definite action has been taken, and, as a result, conditions have grown steadily worse.

The Interstate Commerce Commission very early recognized the necessity for some form of regulation and instituted a series of hearings throughout the United States. At these hearings, conducted in the important cities in every locality of the country, appeared hundreds of witnesses whose testimony was duly recorded. These witnesses included Federal, State, county, and municipal officials, railroad executives, operators of motor busses and motor trucks, farmers, livestock men, manufacturers, and motor truck associations, chambers of commerce, traffic associations, farm bureaus, highway commissions, and the automotive industry. As a result of these hearings certain conclusions were reached by the Interstate Commerce Commission (Docket 18300), and have formed the basis, in whole or in part, of all bills subsequently introduced into either branch of Congress.

That public interest required the enactment of Federal legislation to control the interstate operation of motor carriers, is clearly set forth in the findings of that commission.

Not only has there been sufficient development to establish motor carriers as an important and established means of travel and to warrant and make necessary Federal regulation at this time, but the experience gained from State regulation and control extending over a period of years can now be utilized and applied in a helpful way in determining the kind and character of Federal regulation that would prove most effective as well as beneficial, to all interested parties.—*Extracts, see 4, p. 96.*

#### Representative Lea

**T**HIS bus traffic is rapidly being extended into interstate commerce. Every reason exists today for regul-

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If we pass this bus bill we are doing the same thing nationally as the States have been doing within their own borders.

It seems to me that if a bus line or a truck line is to have an exclusive right it could only be on its own right of way. The idea of giving up the highways to monopoly is abhorrent to me.

When we have succeeded by law in concentrating all the transportation facilities of America in the hands of one executive and all other activities—outside of farming, perhaps—in the hands of a few other executives, while everybody becomes servants of these executives, we may hesitate and contemplate our work and wonder why we found it wise to take away from the individual the opportunity to have his own business and calling.—*Extracts, see 4, p. 96.*

#### Representative McSwain

**I**THINK we should go slowly in this matter of transferring at one fell swoop all matters relating to the carrying of passengers over State lines to the Federal Government and to the Interstate Commerce Commission. It is a very different situation from the railroads. The railroads acquired their rights of way and built their own tracks, and the general public has no rights upon their tracks. But the highways have existed, some of them for hundreds of years, and are the property of all the people. These highways have been improved largely at the expense of the States and local subdivisions of the States. I believe that 90 per cent of the money that has been spent in building hard-surface roads and in building substantial wide bridges has been furnished by the States or the counties or the highway districts.

Now, if we transfer all jurisdiction regulating the carrying of interstate passengers by motor vehicles to the Federal Government, we will be bringing about a very radical and far-reaching change, and one for which the people are not yet prepared. For that reason I have favored such amendments to the motor bus bill as have been offered to give the control of these matters to representatives of the States involved, acting as Federal agents, and to make their decision and judgment final and not reviewable by the Interstate Commerce Commission. It is a very commonsense argument in support of this proposition.

If we adopt this legislation, and if some of the imaginary and theoretical objections which have been urged against it become true and are realized, and if the public demands that we remove these obstacles and objections, we can very easily amend the law. But if, on the other hand, we, by one act, transfer all jurisdiction to the Interstate Commerce Commission, we will never be able to recall it. Of course, theoretically, we have the power to repeal that law and restore it to the States, but as a matter of fact, we know the all-absorbing, centripetal power of these Federal bureaus and commission. We know that their history is a constant increase, expansion, and enlargement of power. In no instance has there ever been a shrinking, lessening, or reduction of power.

I predict—and the history of the railroads, express companies, telegraph companies, and telephone companies

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lation in interstate commerce that exists in the States. There is nothing particularly novel about the character of the regulation proposed in this bill. On the contrary, it conforms to the general type of regulation we have in 46 of the 48 States of the United States. There are important reasons why we should have regulations. A few of those reasons, as I see them, are as follows: In the first place the public has a right to say who are going to use the public highways in interstate traffic for hire. The only way that the public can assert that control in interstate commerce is by regulation. In the second place the public has a right to require safety in behalf of passengers and the public where these operations take place. In the third place, if we give these operators a right to use the public highways, to become common carriers in the transportation of persons, we have the right in behalf of the public to require service from them. They should not be given the unrestrained privilege of running these busses at their own sweet will, going when the weather and convenience serve them. If they are going to be given that privilege, let them give the public something in return. Require them to go when and where the public interest requires they should go.

In the fourth place, if this bus business is to expand and serve the public as it should, we must have stability in investment. These busses will eventually exceed the railroads in the number carried going in interstate commerce. They will carry more than the railroads, provide sleeping-car service all over the United States, furnish regular transportation on routes where rail transportation can not go. In order to make that operation successful we must have stability of investment. In the interest of the public, terminals should be established in great centers jointly used by the operators. This business can not be adequate or placed on a basis of stability until we give stability to the operator as we attempt to do in this bill by granting him a certificate of public convenience and necessity.

Operations included in this bill are those carried on in interstate commerce by motor vehicles for the carriage of persons only for hire. Three classes of operators are covered in this bill. The first is called a common carrier by motor vehicle, but it would be more nearly correct to say "a regular carrier"; that is, carriers confined to fixed routes except where, by the consent of the commission, they are permitted to deviate. The second class is the charter class, characterized by special trips rather than by trips over fixed routes. The other class is recognized as the excluded class, such as taxicabs and school busses. The commission has the primary control under this bill.

The powers of the commission as to regular carriers are different from those as to charter carriers. In the case of regular carriers the commission has the power to require continuous and adequate service. It has the right to prohibit unjust and unreasonable rates. It has the right to require uniform accounts and reports. It has the right to require safety operation and equipment, comfort, of passengers, and to regulate the pick-up and delivery points.

As to the charter carriers, the commission has only the power to fix the qualifications of employees and their hours of service, safety operation and equipment, and comfort of passengers. Then the commission has the power

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are my unimpeached witnesses to prove that my prediction will come true—that these persons, firms and corporations now operating interstate busses will all be incorporated and operate under some charter issued by a foreign State, such as Delaware or Rhode Island. Recently, while in the capitol of Delaware, I noticed a large force of clerks working late at night in the office of the secretary of state.

Being amazed by this unusual sight, and being accustomed to seeing Government clerks in Washington grab their hats and pocketbooks at 4:29 p. m., I was prompted to ask what this unusual sight could mean. I thought maybe the clerks were making up for some time they had lost on account of fire or storm. But I was informed that at this season of the year it occurs every night. Clerks are paid overtime to stay and get out charters for corporations being incorporated under the accommodating laws of Delaware, to do business in other States. I was informed that they are grinding out scores of charters every day, and maybe hundreds.

That is sure to happen with the bus business. When the bus franchises become very valuable under the provisions of this law, and when they shall be required to take out indemnity insurance so as to protect their passengers and the public, then the question of civil liability for such damages will become very acute. To meet this situation these carriers of passengers by motor vehicle will incorporate their concerns under the convenient laws of a distant State. Then when a passenger is injured or when the vehicle injures a pedestrian on the highway, or collides with another motor vehicle, damaging its passengers, or kills the farmer's livestock, or runs over the farmer's child as the child is passing from the house to the barnyard on the other side of the highway, and when the injured person files suit in the State court, which has been the forum of the people for hundreds of years, the bus corporation will appeal in the State court with a petition and bond for the removal of that court into the Federal court. Under the existing law such removal will be mandatory, and when the case is removed to the Federal court, the Federal judge will not send it back to the State court.

When the case comes to trial in the distant Federal court, the complaining party will find himself confronted with strange rules of procedure, strange rules of evidence, a strange judge, strangers on the jury, and strange principles of law, governing the responsibility of carrier to passengers and of busses using a State road as an interstate highway. Based upon a rather varied experience and long observation, I am prepared to predict that the shrewd and powerful bus corporations, being able to employ the most expert legal talent and having abundant expense money to conduct all the auxiliary and incidental activities of a trial, will win out in most of the cases, and injured persons will be baffled, discouraged, and finally induced either to drop their cases or settle them for insignificant sums.

As the bus corporations become more powerful and feel themselves protected by Uncle Sam's all-powerful courts, they will become more arrogant in their conduct upon the highways. Already many of these busses are so large that they take up more than half of the paved surface, and avoid getting very near to the right edge of the pavement. Other vehicles coming in the opposite

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to make general rules and regulations for the administration of the act.

The regulation of interstate commerce is a Federal function if there is any Federal function in our system of government. One of the fundamental reasons for the organization of this Government was to give the Federal Government control over interstate commerce. One of the reasons why the Government under the old Articles of Confederation was a failure, recognized as such everywhere in the world, was because the confederation had no power to regulate interstate commerce. The result was that the States were passing retaliatory laws against each other's commerce. The harmony developed by the war with England had been largely lost in a few years by reason of the ill feeling between the different States growing out of their unfriendly interference with each other's commerce. It is necessary for the Federal Government to perform this function in order to preserve domestic harmony in the United States. There is no reason why the States should be given power to regulate commerce between the States. It is a Federal job. But it was necessary that the power to regulate interstate commerce should be left to the Federal Government. I believe in local self-government, but just as strongly I believe in the exercise of the Federal power in interstate commerce, because it is a Federal job.

As to these regulations governing the State boards: Fifty per cent of the bus lines of the United States are less than 20 miles in length. Three-quarters of them are less than 30 miles in length. The result is that a great majority of all the bus-line operations in the United States are within those limited distances. To a great extent these short lines are in the great States. These joint boards will control a large percentage of all business in interstate operations. They will hold hearings on applications for certificates of convenience and necessity on nearly all these short interstate routes.

Now, going to the question of the jurisdiction of these State boards, they have a right to have hearings on applications for certificates. In fact, hearings must be referred to the joint boards in every case, except as to operators who are entitled to a certificate under the grandfather clause, and which certificates are largely granted as a matter of course. These joint boards hold hearings on proposals to change or require service; on consolidations; on complaints for violations of regulations; on complaints that the rates are unreasonable, or on the question of approving bonds. Applications for certificates must be made to the commission. Hearings in the cases where two States are involved would be referred to the joint boards.

The certificate of convenience will specify fixed routes on which these regular carriers will operate. The fixed route is a distinct feature of the regular operator. He is confined to fixed routes. The commission will prescribe reasonable terms and conditions under that certificate. It will reserve the right to require additional service; the right to require extensions of the line; the right to require compliance with the general regulations of the commission.

In the case of a permit of a charter carrier operation, no such formality is required. The applicant will be required to furnish only the information the commission requires, and comply with the provisions of this act in his operations.

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direction are endangered but must stop, or slow up, and perhaps turn out to accommodate the bus. The reason is that the bus is heavy and can not be overturned by impact with a light passenger car, and does not mind having a little paint knocked off. The individual automobile, traveling in his light family car, and having a pride in preserving the paint, desists from a collision with the bus, even when the bus is manifestly encroaching far beyond its own side of the road.

I greatly fear that the provisions of the motor bus bill will prove very unsatisfactory to our people. I think it is a manifestation of concentration and federalization gone mad. I think that we should go more slowly. It is true that some control based upon Congressional action is necessary to protect the public using or coming in contact with these interstate bus lines. Under the decision of the Supreme Court of the United States these interstate bus lines are now absolutely without any regulation whatsoever. Therefore, it is desirable that Congress should exercise its constitutional power to regulate these interstate bus lines, but it should exercise that power by creating joint boards representing the States at interest and we should proceed step by step and perhaps year after year in the conservative and reasonable improvement and amendment of this small beginning. The bill before the House is all comprehensive in its scope.

By one mighty stroke it strikes down all State control and State authority and transfers from every nook and corner of the Nation the power to regulate these interstate bus lines to the Federal Interstate Commerce Commission. This is a farreaching act. Under the numerous and explicit decisions of the Supreme Court of the United States construing the constitutional power of Congress to regulate interstate commerce, that regulation can apply not only to the vehicle employed to carry on interstate commerce but can apply to the highway upon which that commerce passes and to every agent, instrumentality, and action connected with the general business of interstate commerce. Therefore the next step we may expect will be an amendment to this law giving the Interstate Commerce Commission the power to make rules governing the use of the road. We may expect under this power the Interstate Commerce Commission to prescribe how private passenger cars carrying the owner and his family for an airing Sunday afternoon may use a highway that the great-grandfather of this citizen helped lay out and to open up and keep in repair with his own labor 150 years ago. In like manner the grandfather and the father and this citizen have been contributing labor, material, and money from their own resources to keep this highway in condition to travel.

They have contributed 90 per cent of the money to put the hard surface on this road. Now comes the Interstate Commerce Commission, situated 3,000 miles from the neighborhood through which the road passes, and tells this citizen of the State of California or of the State of Washington how he shall be permitted to use the road. This citizen understands that he must use the road in the manner prescribed by the statutory and common law of his State, but he will resent being dictated to by a commission at Washington telling him how he shall use his own road. Every bus driver will be subject to Federal regulations and not to State regulations. Every local agent of an interstate bus carrier will be a Federal agent and

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Three distinct methods are provided for the enforcement of this act. The first provides that a complaint may be made to the commission to suspend or revoke a carrier's certificate because he has violated this law or any lawful order of the commission.

An operator holding a certificate who violates this law is subject to the criminal penalty provided in section 13.

A third remedy is to apply to a court for a writ of injunction to restrain violations of this act or any rules prescribed by the commission, under authority given them in this act.

The bill is liberal as to who can make complaint. Any interested party can make complaint of a violation of this law by any operator.

This bill provides that where operation is proposed to be conducted in not more than two States, the commission shall create a joint board, to be composed of one representative of the State commission of each of the two States, and the application of the operator will be referred to that joint board for hearing. It must be referred to that joint board. The joint board conducts its hearings with all the rights that the commission itself has in conducting hearings; makes a proposed order which is filed with the commission, and in 10 days that order goes into effect and becomes the order of the commission unless the commission itself reviews it, alters it, or changes it.—*Extracts, see 4, p. 96.*

**Mr. Wakelee**

**T**HE first point I want to make as indicative of the need of this legislation is the extent and size of the passenger motor bus industry itself. The great growth and size of this industry in the United States is in itself an argument indicative of the need for some kind of legislation to control it.

The second point I want to make as indicative of a public need is that the public, the people of this country, have decided—it is no longer an open question—in favor of the principle of regulation of public utilities.

We have a situation where every public utility in this country is subject to some kind of regulation. Every bus operating is subject to some regulation, with the exception of the comparative small number of buses operating in interstate commerce.

Now, what is the distinction between a bus operating in intrastate and a bus operating in interstate commerce? I have yet to hear any one suggest any reason why there should be any distinction between these two classes of operation; that is, interstate bus operations and intrastate bus operations. These operations have not grown up separately.

In fact and in principle, in the operation of these busses, there is no difference, when a bus leaves our terminal in Newark, so far as the interest of the public in that operation is concerned; it is the same whether that bus is going to Camden, N. J., or Philadelphia, Pa. The interest of the public is the same. It is because of our dual system of government that this hiatus is left in the regulatory system of the country; it would be better if you were to draw a line across the country—you might better draw a line from New York to San Francisco—and say that all

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not a State agent. The kind of brakes to be used, the kinds of fenders to be used, the rate of speed, and the thousands of other details will be regulated from Washington and not between States. The highways will swarm with uniform Federal inspectors and Federal patrolmen, assuming arrogant and arbitrary attitudes and moods. The State inspectors and State rural police will be shunted to the background. All the use of the road will be subordinate to the superior law of the Interstate Commerce Commission.

Furthermore than that, in a very few years there will not be a single bus line in any of the States that will be subject to the absolute authority of the States and of the State regulatory bodies. It is true that the bill as it will stand amended will by so many words preserve to the States the regulation of purely intrastate carriers; but in a few years there will be no purely intrastate carriers. These merely local and intrastate carriers will seek the protection and the benefits of this Federal act. In order to do this they will be taken over as subsidiaries and affiliated corporations of the big interstate lines. They themselves, these local, intrastate lines, will take out a charter under the law of a distant State. They will affect a fictitious and pretentious connection with the main interstate lines. Then they will appeal to the Supreme Court of the United States under its decisions to hold and regulate them as parts of the entire nation-wide system of interstate commerce. Under its decisions the Supreme Court will find it an easy step to have the Federal system of carriers by bus gobble up and swallow, boot and baggage, the entire motor-bus business.

Then, where will the intrastate bus line be? Then, where will the power of the States be? Then, what will be the answer of those who now insist that this bill in all of its comprehensive and sweeping terms should be enacted in law? I hope that I may prove to be a false prophet, because it seems that this Congress is determined to surrender the last vestige of State power. I should prefer to prove to be a false prophet than to witness the miserable and servile conditions that my prediction enumerates. But my prediction is based on my judgment, and my hope has no foundations save love for the principle of local self-government and of the right of the people to regulate their own domestic affairs. Therefore, I must warn my friends that they are going too far with this bill.—*Extracts, see 5, p. 96.*

**Mr. Baker**

**F**IRST and foremost, we believe that the time has not arrived for this legislation, because the motorbus business has not been developed to a sufficient degree and operators have not been established in business for a long enough period of time to warrant the elimination of competition over many routes where buses are operated. This bill, if passed, in our opinion will prevent competition where in many cases it is helpful to the development of the bus business. It will also restrict to a very great extent the development of new bus routes in such districts where the work of development and expansion of those out-of-the-way routes, which might not appear profitable

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buses operating north of that line are subject to regulation and all buses operating on the south side of that line are not subject to regulation. That would be just as sensible a scheme of regulation as leaving this industry in its present situation.

What is the difference between the State and the Federal power? Is there power in the State to meet the situation set out in that report?

The State has police power; yes, of course, it has; and the commerce clause of the Constitution does not take it away. But what is that police power? It is the control of that bus as a vehicle, as a wagon, as an automobile, passing over the street; and that is all. When an interstate bus comes to the city of Washington, it must stop at the red light, and if the traffic rule is that you cannot turn to the left, then that bus cannot turn to the left. It must obey those traffic rules. But it does that the same as every other vehicle. It is a vehicle on the road. It must, as such, comply with the police regulations of the State or the municipality, but that is all.

When you come to any control or regulation over that bus as a carrier of passengers for hire, the State has not a thing to do with it and has not a single bit of power—not a bit. It can not do a thing.

It can say "Obey the green light," and "Obey the red light," and "Stop when the policeman holds up his hand," but it can not regulate the number, it can not protect the passenger, even by insurance; and the Supreme Court has so decided.

To establish a proper and adequate and safe bus line requires much more than the mere purchase of a bus. You must have garages; you must have shops for the repair of the buses; mechanics. You must have terminals, and, above all, you must have organization.

Would you put your money in a bus business, no matter how heavy the traffic, or how rosy the prospects, to run buses between Washington and New York, to build a decent terminal in Washington, build a terminal in New York City, have proper repair shops all along the road, and gasoline and oil stations and all the things necessary to operate that line—would you do that, and would you develop that business in the interest of the public if I or any one tomorrow morning could go out and buy an old bus or touring car and drive up to your terminal and take your passengers away from you, without any license or permit or right from anybody?

It has been stated that the bus industry was growing, was developing. No thanks to the Government if that is so. It is developing because of the initiative of private interests. The public riding in these buses do not thank Congress for any protection that they get. They thank us.

Are you going to leave that portion of the public solely in the hands of the private interests to do with them what they please?—*Extracts, see 2, p. 96.*

to the larger established companies, but would, under completion, be promoted by the individual pioneer. We feel that competition on various bus routes should be allowed for some time to come, so that expansion may result to a larger degree than exists at the present, and that bus service may be established in every district, rural as well as urban, throughout the country for the benefit of the public at large—not of the bus people.

The public will in no way be served by the passing of this bill, and, if it does pass, efficient public service will in many cases be eliminated for the reasons stated. If this bill passes, it will mean, in our opinion, a letting down on service for the public and the use in many cases, of inferior equipment; because, with competition eliminated, the impetus to excel in service and equipment is hindered. For example, we can give two that have been brought to our notice. In intrastate operation, there is a line operating between Boston and Worcester, Mass., a distance of 40 miles or more, the operation of which was given exclusively to one company. They have been operating this line for three or four years, with the result that they are using a number of the original 4-cylinder buses with which they started business when the franchise was given them, and they have not improved their bus equipment. This is a very profitable route and, because they have no competition, they feel this equipment is sufficient for the needs of the public and they do not care to put on more modern buses.

Another example is of an interstate run which has been operated up to recently, exclusively by a large transportation company who are using a great number of the same buses with which they began this service years ago. However, a new company has started operation in competition with them and has placed in service a very fine fleet of motor coaches. In this last case, under free competition, the public is now privileged to ride in up-to-date, first-class motor coaches; in the other case of intrastate bus competition, the public is forced to ride in whatever buses the company gives them.

We believe these are fair examples of what will occur when competition is or is not allowed. Because of this, we claim that the public will not be properly served under the provisions of this bill if passed. We are not attacking the purpose of this bill. We feel that the motives prompting the bill and the purpose of the bill are intended for the highest service to all; but we do feel very strongly that if this bill becomes a law, at present, the results will not be for the public good, but will benefit solely those operators who get under cover and receive protection by its passage.—*Extracts, see 2, p. 96.*

# Action on Public Measures

By Senate and House, January 17, to February 4, 1931

## Appropriations

The status of the 1932 appropriation bills on February 14 was as follows:

Bill	Passed House	Passed Senate	Conference Report agreed to in—		Date approved
			House	Senate	
Treasury, Post Office	1930 Dec. 5	1930 Dec. 15 1931	1931 Jan. 26	1931	1931
Interior Department	Dec. 12	Jan. 21	Feb. 14	Feb. 14	.....
Emergency Construction	1930 Dec. 9	1930 Dec. 11 1931	1930 Dec. 19 1931	1930 Dec. 18 1931	1930
Agricultural Dept.	Dec. 19 1931	Jan. 23	.....	.....	.....
War Department	Jan. 15	Jan. 30	.....	.....	.....
First Deficiency	Jan. 7	Jan. 22	Feb. 5	Feb. 3	Feb. 6
State, Justice, Comm., Labor	Jan. 23	Jan. 30	.....	.....	.....
Independent Offices	Jan. 27	Feb. 9	.....	.....	.....
Legislative	Jan. 31	.....	.....	.....	.....
District of Columbia	Feb. 6	.....	.....	.....	.....
Navy Department	Feb. 13	.....	.....	.....	.....
Second Deficiency	.....	.....	.....	.....	.....
Drought relief (appropriation)	Jan. 5	Jan. 5	(Jan. 14—Senate recessed.)	.....	Jan. 15
Drought relief (authorized)	1930 Dec. 18	1930 Dec. 9	1930 Dec. 19	1930 Dec. 19	Dec. 20

## Agriculture

On January 20, the Senate Committee on Banking and Currency reported H. R. 12063, amending the Federal Farm Loan Act.

On January 24, the Senate passed S. Res. 393, calling on the Farm Loan Board for information on the general condition of the Federal land banks.

On January 26, the Senate passed S. 5441, authorizing the Secretary of Agriculture to use \$5,000,000 of the drought relief fund to form local agricultural credit corporations, and S. J. Res. 210, directing the Federal Farm Board to distribute 40,000,000 bushels of wheat in the drought-stricken areas.

On January 31, the House passed H. R. 16628, authorizing the Secretary of Agriculture to investigate the problem of the Mediterranean fruit fly.

A full discussion of various agricultural problems marked the consideration of the Department of Agriculture Appropriation bill beginning in the Senate on January 23.

## Aviation

On January 21, the Senate passed S. Res. 394, calling on the Postmaster General for a complete report on the status of all air mail routes. Discussed in the Senate, January 21, Feb. 5, and in the House, Feb. 2, 13.

## Campaign Expenses

On January 19, the Senate adopted S. Res. 403, by Mr. Glass, Va., D., extending the powers of the Nye Committee. On January 29, Senator Moses, N. H., R., placed in the Record the statement of expenditures of the Nye Committee. Discussed in the Senate, Jan. 21, in the House, Feb. 5.

## Chain Stores (Fair Trade Bill)

On Jan. 29, the House passed H. R. 11, the Capper-Kelly Fair Trade Bill, providing for fixing of resale prices. Referred to Senate Committee on Interstate Commerce. Discussed in Senate on Jan. 24 (packers), Feb. 4, and in the House, Jan. 27, 29.

## Changing Sessions of Congress, Inauguration, Date, Etc.

On Feb. 12, the House Committee on Rules reported H. Res. 356, providing for consideration of H. J. Res. 292, Gifford, Mass., to change the sessions of Congress and the dates of the inauguration of the President and Vice-President. The Gifford resolution was substituted for the Norris Resolution, S. Res. which passed the Senate. Discussed in the House, Feb. 10, and in the Senate, Feb. 4.

## Communism

On January 17, the special committee appointed by the House to investigate Communism in the United States filed a comprehensive report. Discussed in the House on Feb. 9, 10, 11.

## Copyright Reform

Two copyright bills are before Congress, one to change the law governing the copyrighting of designs and the other for the general revision of the copyright laws and providing for entry by the United States into the International Copyright Union.

The former, H. R. 11852, has passed the House and was reported to the Senate by the Committee on Patents, Feb. 14, and placed on the calendar.

The latter, H. R. 12549, has passed the House and is before the Senate Committee on Patents which, on Feb. 14, was still working on proposed Senate amendments with promise of an early report. Discussed in the Senate, Feb. 10.

### *Drought Relief*

Following the limitation of the use of the \$45,000,000 appropriation (contained in the Drought Relief Emergency Appropriation bill) to seed, fertilizer and farm supplies, efforts were made to provide a special appropriation for supplying food for drought sufferers.

Senator Robinson, Ark., D., finally offered an amendment to the Interior Department Appropriation bill appropriating \$25,000,000 for this purpose. The Senate adopted the amendment on Jan. 19, but it was rejected by the House. The conference committee finally worked out a compromise whereby \$20,000,000 was appropriated to be loaned to farmers in drought-stricken areas for the purchase of food, which was accepted by both Houses on Feb. 14.

Discussed in the Senate, Jan. 17, 19, 20, 21, 23, 24, 26, 27, 28, 30, Feb. 2, 3, 5, 7, 9, 10, 14.

Discussed in the House, Jan. 17, 24, 26, 30, 31, Feb. 3, 4, 5, 11, 14.

### *Employment*

On January 20, the Senate Committee on the Judiciary reported H. R. 14255, authorizing the Secretary of the Treasury to take title to building sites in advance in order to facilitate public building in the aid of employment.

On January 19, the House passed H. R. 14040 to authorize the Secretary of the Treasury to award contracts for public works without advertising for bids. This bill was passed by the Senate February 2 and was approved February 6.

On January 21, the Senate passed S. 5776, the Wagner bill for the advance planning of public works. This bill was reported by the House Committee on the Judiciary January 27, passed by the House on February 2, and approved February 10.

On February 2, the House passed H. R. 16297 to appropriate \$100,000,000 for public buildings outside the District of Columbia and to add \$5,000,000 a year to the \$10,000,000 per year previously authorized to be spent in public building construction. This bill is supplementary to the Emergency Construction Appropriation bill passed early in the session. This bill was passed by the Senate with amendments on February 7 and sent to conference. The conference report was agreed to February 14.

As with the question of drought relief, the question of employment has been constantly before both the House and the Senate since the opening of the present session and has been discussed almost daily in both branches.

### *Federal Power Commission*

On January 23, the Senate voted to recommit to the Committee on Interstate Commerce the nominations of George Otis Smith, Maine; Marcel Garsaud, Louisiana, and Claude L. Draper, Wyoming, to be members of the Federal Power Commission. These nominations had been previously confirmed by the Senate. Later the Senate adopted a resolution calling on the President to send back the nominations, which the President declined to do.

On January 23, the Senate received an opinion of the Attorney General upholding the President's position.

On February 3, the Senate Committee reported back the three nominations and on February 4 the Senate confirmed the nominations of Messrs. Garsaud and Draper and rejected the nomination of Mr. Smith. A resolution by Senator Walsh, Mont., D., ordering the U. S. attorney for the District of Columbia to bring suit to test the right of Commissioner Smith to continue tenure of office, is pending in the Senate.

The Federal Power Commission and the general subject of water power have been the topics of continuous discussion since the session began.

### *Federal Reserve System*

On January 22, the Senate recommitted the nomination of Eugene Meyer to be Governor of the Federal Reserve Board to the Committee on Banking and Currency after general debate covering the Federal Reserve system.

On February 13, the Senate again discussed the Federal Reserve system.

### *Indian Affairs*

Appropriations for Indian affairs are contained in the Interior Department Appropriation bill and during the consideration of this measure, Indian problems were fully discussed.

On January 28, the House considered bills reported from the Committee on Indian Affairs and passed a number of Indian

bills. On February 4, the House passed H. R. 15498 for the codification of Indian laws and several other Indian bills. On Jan. 26, and Feb. 10, the Senate passed a number of Indian bills.

Discussed in the Senate, Jan. 17, 19, 20, 21, 26, Feb. 4, 11, 13, 14.

Discussed in the House, Jan. 28, 29, 30, Feb. 10, 14.

### *Maternity and Infancy*

After holding hearings, the House Committee on Interstate and Foreign Commerce substituted for the Jones Maternity Bill, S. 55, the Cooper Bill, H. R. 12995. This was done by striking out all but the enacting clause of the Senate bill and reporting the measure as a Senate bill, amended. The report was made on February 4. The bill on February 14 was on the union calendar of the House awaiting action.

### *Merchant Marine*

On January 26, the House agreed to the Senate amendments to H. R. 7998 to increase the minimum interest rates to be charged on Government loans to shipbuilders to build merchant ships in American shipyards. Discussed in the House, Jan. 26, 27.

### *Muscle Shoals*

The Muscle Shoals resolution, S. J. Res. 49, has been in conference since June 4, 1930. All efforts of the conferees to reach an agreement satisfactory to both houses had failed up to February 14. Discussed in the House, Jan. 17, 24. Discussed in the Senate, Jan. 27, 28, 31, Feb. 7, 11, 12.

### *Naval Affairs*

On January 19, the Senate Committee on Naval Affairs reported S. 5288, authorizing the construction of naval vessels.

On January 21, the House Committee on Naval Affairs reported H. R. 15926, providing for the retirement of naval officers.

The Navy Appropriation bill was considered by the House from February 7 to February 13, inclusive, and all phases of the Navy were discussed on the floor of the House during that period.

### *Pensions*

Both Houses of Congress have passed three omnibus pension bills, H. R. 15934, H. R. 16626, and H. R. 16742, all of which had passed both houses on February 14.

### *Philippines*

On January 21, the Senate Committee on Territories and Insular Affairs reported S. 5515, fixing the salaries of American officials in the Philippines.

The Cutting Bill for Philippine independence, S. 3822, is on the Senate Steering Committee program awaiting action.

Philippine independence was discussed in the House, Jan. 31.

### *Postal Employees*

On February 11, the Senate passed H. R. 6605, shortening to 44 hours the working week of certain postal employees.

### *Presidential Nominations Confirmed by Senate*

#### *January 20*

Charles E. Mitchell, to be Minister to Liberia.

#### *January 22*

David H. Kincheloe, to be Judge of the U. S. Customs Court. Frank Martinez, to be U. S. Attorney, district of Porto Rico. Herbert E. L. Toombs, to be U. S. Marshal, southern district of Texas.

#### *January 28*

Nugent Dodds, to be Assistant Attorney General.

William Hitz, to be Associate Justice, D. C. Court of Appeals.

Simon E. Soboloff, to be U. S. Attorney, district of Md.

George Z. Medallie, to be U. S. Attorney, southern district of New York.

Harry S. Hubbard, to be U. S. Marshal, district of Porto Rico.

Anna C. M. Tillinghast, to be Commissioner of Immigration, Boston, Mass.

### **February 2**

Bernard Anderson, to be U. S. Marshal, district of Minn.  
Albert White, of Alaska, to be U. S. Marshal, division No. 1, district of Alaska.

### **February 5**

David Burnet, to be Commissioner of Internal Revenue.  
Stanley M. Ryan, to be U. S. Attorney, western district of Wis.

### **February 10**

D. Lawrence Groner, to be Associate Justice of the D. C. Court of Appeals.

### **February 14**

Paul M. Pearson, to be Governor of Virgin Islands.  
Walter H. Evans, to be Judge of the U. S. Custom Court.

Alf. O. Meloy, to be U. S. Marshal, southern district of Ind.  
Bernard Anderson, to be U. S. Marshal, district of Minn.

James H. Hammons, to be U. S. Marshal, eastern district of Ken.

Charles F. Parsons, to be Associate Justice of the Supreme Court, Territory of Hawaii.

Albert M. Cristy, to be Second Judge, first circuit, Territory of Hawaii.

### **Prohibition**

Action on prohibition from January 17 to February 14 was confined to the provisions of the appropriation bills carrying the usual appropriations for prohibition enforcement and to consideration by the Senate of the Howell bill, S. 3344, to tighten the enforcement laws of the District of Columbia. The Wickerham report was the topic of much discussion, but was not subject to any action except the ordering of a print of 18,000 additional copies. The general subject of prohibition was, however, discussed at length in both Houses.

The Howell bill was taken up by the Senate on January 23 and was still under consideration for amendment on Feb. 14.

General discussion in the Senate—Jan. 21, 22, 23, 26, 28, 31, Feb. 2, 4, 5, 7, and in the House—Jan. 17, 20, 23, 24.

### **Samoa**

On January 26, the Senate passed S. 5621, providing a form of government for American Samoa.

### **Soldiers' Bonus**

As part of the general relief plans in Congress, a number of measures were introduced at the beginning of the session to aid veterans of the World War by giving them cash allowances on their service insurance certificates. The Administration opposed these measures from the first, but the House Committee on Ways and Means on Feb. 14, 1931, reported H. R. 17054, permitting a loan up fifty per cent of the amount of a certificate at interest at 4½ per cent.

This bill was expected to be passed by both houses and possibly vetoed by the President. The question of relief for veterans has been one of the most highly controversial matters before Congress at this session and has been discussed almost daily in one or the other branches.

### **Theodore Roosevelt Memorial**

On February 2, the House passed H. R. 16078, authorizing a memorial to President Theodore Roosevelt on the Continental Divide in honor of his work for forest conservation. The Senate passed the bill on February 10.

### **Treaties**

On January 22, the Senate ratified a general arbitration treaty with Germany.

On February 14, the Senate ratified a treaty with Sweden for the arbitration of claims arising out of the loss of Swedish vessels.



### **Other Topics of Discussion**

#### **In Congress, During Month**

##### **Arkansas**

Feb. 7, inserted by Rep. Ragon, Ark., D., radio address of Rep. Fort, N. J., R., on what America Owes to Arkansas. In-

serted by Rep. Driver, Ark., speech of Rep. Eugene, Wingo, Ark., D., on Conditions in Arkansas.

##### **Agriculture**

Jan. 21, inserted by Senator Norbeck, S. D., R., a poem by T. E. Hayes, "The Farmer's Wife."

Feb. 5, inserted by Rep. Christgau, Minn., R., address of Prof. H. R. Tolley, University of California, on economic readjustments in agriculture.

Feb. 10, inserted by Rep. Christgau, Minn., R., address of Eric Englund, assistant chief, Bureau of Agricultural Economics, Department of Agriculture, on readjustment in agriculture.

##### **Battle of New Orleans**

Jan. 19, extension of remarks by Rep. O'Connor, La., D., on anniversary of Battle of New Orleans.

Jan. 27, inserted by Rep. O'Connor, La., D., address by Hon. E. L. Jahncke, Asst. Sec. of the Navy, made on Jan. 8, 1931.

##### **Birth Control**

Senate, Feb. 12, 13, 14, protests from Catholic women.

Feb. 14, inserted by Rep. Mead, N. Y., D., speech of Mrs. Norton, N. J., D., on birth control.

##### **Boulder Dam**

Feb. 11, inserted by Sen. Ashurst, Ariz., D., bill of complaint of State of Arizona in the Boulder Dam litigation.

##### **Business Conditions**

Jan. 27, inserted by Sen. Brookhart, Ia., R., address by Sen. Pine, Oklahoma, R., before the Chamber of Commerce of Oklahoma City, Okla., Aug. 15, 1930.

Jan. 27, inserted by Rep. Chindblom, Ill., R., radio address of Rep. Beck, Pa., R., on "Benjamin Franklin's Remedy for Hard Times."

##### **Chain Stores**

Jan. 17, extension of remarks by Rep. Kelly, Pa., R., on price fixing.

Jan. 23, insertion by Rep. Cox, Ga., correspondence on Capper-Kelly Fair Trade bill.

Jan. 23, insertion by Rep. Cox, Ga., letter correspondence on Capper-Kelly Fair Trade bill.

Jan. 26, extension of remarks of Rep. Cochran, Mo., D., in support of Capper-Kelly "Fair Trade Bill."

Jan. 27, inserted by Rep. Knutson, Minn., R., a statement by E. F. Whittier, Sec.-Treas., American Fair Trade Assn., on Capper-Kelly "Fair Trade Bill."

Jan. 30, extension of remarks of Rep. Treadway, Mass., R., on Capper-Kelly Fair Trade bill.

Jan. 30, extension of remarks of Rep. Lankford, Ga., on Capper-Kelly Fair Trade bill.

Jan. 31, extension of remarks by Rep. Kelly, Pa., R., on Capper-Kelly Fair Trade bill. Extension of remarks of Rep. McSwain, S. C., D., on Capper-Kelly Fair Trade bill.

Feb. 2, extension of remarks by Rep. Merritt, Conn., R., on Capper-Kelly Fair Trade bill.

Feb. 3, inserted by Sen. Brookhart, Iowa, R., article by Henry W. Huber, lieutenant governor of Iowa, in U. S. Daily of Feb. 2, 1931.

Feb. 3, extension of remarks by Rep. Huddleston, Ala., D., on Capper-Kelly bill.

##### **Claims**

Feb. 2, extension of remarks of Rep. Guyer, Kans., R., on claims for travel pay to the Philippines for troops in 1899.

##### **Commerce Department**

Jan. 28, inserted by Rep. Briggs, Tex., D., letter from director of Bureau of Foreign and Domestic Commerce on work of district agents.

##### **Communism**

Feb. 14, inserted by Sen. Goff, W. Va., R., speech by Sen. Oddie, Nev., R., on Communism.

##### **Cotton**

Discussion of various phases of the cotton-growing industry occurred on the floor of the Senate, February 6, 7 and 9.

##### **Dual Citizenship**

Jan. 23, inserted by Sen. King, Utah, D., article by Joseph Conrad Fehr in Current History for December, 1930, on dual citizenship as an international problem.

#### *Economic Situation*

Feb. 10, inserted by Sen. Brookhart, Iowa, R., a letter to the Federal Reserve Board by George Shipley, director, Research Institute, Washington, D. C., containing a plan for general prosperity.

#### *Daughters of the Confederacy*

Jan. 23, inserted by Rep. McMillan, S. C., D., invitation to members of the House to attend a meeting on Jan. 28.

#### *Drought Relief*

Jan. 17, inserted by Rep. Cartwright, Okla., D., letter from E. J. Norwood, Soja, Okla.

Jan. 21, inserted by Rep. Glover, Ark., D., correspondence with American Red Cross on relief work in Arkansas.

Jan. 23, inserted by Rep. Cannon, Mo., resolutions of general assembly of Missouri on appropriation for food.

Jan. 23, extension of remarks by Rep. Tilson, Conn., R., on food appropriation.

Jan. 24, extension of remarks by Rep. Summers, Wash., R., on loans for seed in drought-stricken area of Washington.

Feb. 7, inserted by Rep. Aswell, La., D., statement of H. D. Wilson, Commissioner of Agriculture, Louisiana, on results of drought in Louisiana.

Feb. 10, inserted by Rep. Gasque, S. C., D., resolution passed by South Carolina Legislature on drought relief.

Feb. 12, inserted by Rep. Effiegene Wingo, Ark., D., resolutions of Fort Smith, Ark.

#### *Court of Claims*

Jan. 24, inserted by Rep. Box, Tex., D., statement by members of the U. S. Court of Claims on pending bills (H. R. 15428 and H. R. 16429) for the adjudication of private property claims.

#### *Federal Reserve Board*

Feb. 14, inserted by Rep. McFadden, Pa., R., testimony of Mr. McFadden before Senate Committee on Banking and Currency on nomination of Mr. Meyer to be governor of Federal Reserve Board.

#### *Flood Control*

Feb. 2, inserted by Rep. Guyer, Fla., D., speech by Rep. Guyer on flood control at Chicago.

Feb. 5, inserted by Rep. Rayburn, Tex., D., resolutions of Texas Legislature on flood control in the Red River Valley.

#### *Freedom of the Seas*

Feb. 3, inserted by Sen. Borah, Idaho, R., article by Commander J. M. Kenworthy, R. N., England, on Freedom of the Seas in *N. Y. Times*, Jan. 29, 1931.

#### *Governor of Iowa—Inaugural Address*

Feb. 12, inserted by Sen. Brookhart, Iowa, R., inaugural address of Gov. Dan W. Turner, Iowa.

#### *House Rules*

Feb. 2, extension of remarks of Rep. La Guardia, N. Y., R., on proposed changes in House rules.

Feb. 5, extension of remarks of Rep. Ramseyer, Iowa, R., on proposed changes in House rules.

#### *Immigration*

Jan. 19, inserted by Sen. Goff, W. Va., R., radio address of Hon. W. N. Doak, Secretary of Labor, Jan. 17.

Jan. 30, inserted by Rep. Box, Tex., D., a report by Rep. Box and Rep. Jenkins, O., R., to House Committee on Immigration and Naturalization a study of immigration from Mexico.

Feb. 5, inserted by Rep. Yon, Fla., D., radio address by Rep. Green, Fla., D., on immigration restriction.

#### *Communism*

Jan. 17, extension of remarks by Rep. Fish, N. Y., R., irreconcileable conflict between Americanism and Communism.

Jan. 19, insertion by Rep. Evans, Calif., R., of radio address by Rep. Bachmann, W. Va., R.

Feb. 5, inserted by Rep. Yon, Fla., D., radio address by Rep. Green, Fla., D., on communism.

#### *Island Waterways*

Jan. 21, inserted by Sen. Stephens, Miss., R., address by Sen. Broussard on the history and development of water transportation.

Jan. 27, inserted by Sen. Copeland, N. Y., D., brief of Edward C. Carrington on Federalization of New York Barge Canal.

Feb. 2, inserted by Rep. Green, Fla., D., speech of Rep. Yon, Fla., D., on Mississippi Valley and Gulf Coast inland waterways.

#### *Irrigation*

Feb. 3, inserted by Sen. Oddie, Nev., D., article by Hon. Ray Lyman Wilbur, Secretary of the Interior, on "The Water Cure."

#### *General Robert E. Lee*

Jan. 19, inserted by Lea Trammel, Fla., D., address of Rev. Kerr Boyce Tupper on Robert E. Lee at Orlando, Fla., Jan. 15.

#### *Liberty Bonds*

Jan. 22, inserted by Rep. Hill, Ala., D., a statement by Rep. Hall, Tenn., D., on repeal of surtaxes on interest derived from Liberty Bonds.

#### *McKinley Day*

Feb. 14, inserted by Sen. Fess, O., R., address by W. O. Thompson on life of President William McKinley.

#### *Medals of Honor*

Feb. 6, extension of remarks of Rep. Griffin, N. Y., D., on bills to confer medals of honor for distinguished service.

#### *Merchant Marine*

Jan. 26, extension of remarks by Rep. Davis, Tenn., D., on his bill (H. R. 8361) forbidding the award of ocean mail contracts to companies operating foreign flag ships in competition with American flag ships.

Jan. 27, inserted by Sen. Copeland, N. Y., D., an address by Rep. Free, Calif., R., on the American Merchant Marine before the Society of Naval Architects and Marine Engineers, Nov. 14, 1930.

Feb. 9, inserted by Sen. McKellar, Tenn., D., article by John Nicholson on postal contracts for trans-oceanic merchant vessels.

Feb. 9, inserted by Rep. Snell, N. Y., R., resolution adopted by New York Assembly, urging Congress to authorize the U. S. Shipping Board to sell to the Port of New York Authority Government pier properties at Hoboken, N. J.

Feb. 12, extension of remarks of Rep. Welch, Calif., R., on discrimination against Pacific Coast shipbuilders.

Feb. 14, inserted by Sen. Dill, Wash., D., article on Government loans for shipbuilding.

#### *Muscle Shoals*

Feb. 2, extension of remarks by Rep. Quin, Miss., D., on Muscle Shoals.

#### *National Defense*

Jan. 24, extension of remarks by Rep. McSwain, S. C., D., on appropriations for civilian rifle clubs for American Legion posts.

Jan. 26, extension of remarks of Rep. McSwain, S. C., D., on military training in schools.

Jan. 30, inserted by Sen. Hayden, Ariz., D., address by Mrs. Wilma Hoyal before Women's Conference on National Defense, Washington, D. C., Jan. 29.

Jan. 30, inserted by Sen. Moses, N. H., R., address on national defense by Sen. Walsh, Mass., D., before Women's National Conference on National Defense, Washington, D. C., Jan. 29, 1931.

Jan. 31, inserted by Sen. Steck, Iowa, D., address of Col. Charles Burton Robbins before Women's Council on National Defense, Washington, D. C., Jan. 30, 1931.

#### *National Forests*

Jan. 23, extension of remarks by Rep. Summers, Wash., R., on utilizing and protecting national forests.

#### *National Parks*

Feb. 4, inserted by Rep. Summers, Wash., R., statement by Horace M. Albright, director of National Park Service, on proposed addition of lands to national park system.

Feb. 9, inserted by Rep. McClintic, Okla., D., resolutions of Oklahoma Assembly memorializing Congress to enact legislation for the improvement of the Wichita, Oklahoma, Game Preserve.

#### *Naval Construction Bill*

Jan. 17, memorial to Senate from Women's Int. League opposing bill.

Jan. 28, extension of remarks by Rep. Cochran, Mo., D., on Diesel engines in naval vessels.

Feb. 3, extension of remarks by Rep. Thatcher, Ky., R., on the launching of the naval cruiser Louisville.

Feb. 5, inserted by Rep. Hall, Miss., R., editorial from Biloxi-Gulfport (Miss.) *Herald* on naming of naval craft.

### **Naval Construction**

Feb. 9, inserted by Rep. Cochran, Mo., D., correspondence with the Secretary of the Navy on the use of Diesel engines in naval vessels.

### **Nicaragua**

Feb. 14, extension of remarks of Rep. Ayres, Kansas, R., on Marines in Nicaragua.

### **North Carolina**

Feb. 7, inserted by Rep. Hancock, N. C., D., resolution adopted by North Carolina Assembly asking for a refund of taxes.

### **Oil Industry**

Jan. 21, inserted by Sen. Thomas, Okla., articles from the Tulsa (Oklahoma) *Tribune*, and the Moline (Ill.) *Advance* on the oil industry.

Feb. 6, inserted by Sen. Pine, Okla., R., speech by Sen. Capper, Kans., R., on petroleum imports.

Feb. 14, inserted by Sen. Capper, Kans., R., article in Tulsa (Okla.) *Tribune* on oil cost facts.

### **Oleomargarine**

Jan. 17, inserted by Sen. Capper, Kans., R., ruling by Commissioner of Internal Revenue; also, communications from farm organizations on ruling.

Jan. 23, Sen. Connally, Tex., D., statement of manufacturers.

Feb. 7, extension of remarks of Rep. Davis, Tenn., D., on the ruling of the Commissioner of Internal Revenue on the Federal tax on oleomargarine.

Feb. 9, extension of remarks of Rep. Glover, Ark., D., on tax on oleomargarine.

### **Patents**

Jan. 23, inserted by Sen. Dill, Wash., D., opinion of U. S. Circuit Court of Appeals, Third Circuit, in Langmuir high-vacuum patent case.

### **Philippine Islands**

Jan. 27, inserted by Sen. Hawes, Mo., D., prize-winning oration of Mauro Baradi before Filipino Club of Washington, D. C., Dec. 7, 1930, on independence for the Philippines.

Jan. 21, extension of remarks by Delegate Osias, P. I., on proposed independence of the Philippines.

Feb. 3, inserted by Sen. Hawes, Mo., D., speech of Sen. Jose Clarin, Philippines Senate, on "The Jones Law and the Magna Charta."

### **Political Affairs**

Jan. 28, inserted by Sen. Sheppard, Tex., D., by Leopold Morris in *Victoria Advocate*, Victoria, Tex., "Democracy versus Socialism."

Jan. 26, inserted by Rep. Vinson, Ga., D., radio address of Rep. Crisp, Ga., D., on proposed changes in House rules.

Jan. 30, extension of remarks by Sen. Heflin, Ala., D., on his own election contest.

Feb. 2, inserted by Sen. Wagner, N. Y., D., address of Sen. Copeland, D., before Democratic Club of New York City, Jan. 31, on "The Purpose of Government."

Feb. 14, inserted by Sen. Connally, Tex., D., article from *New Republic* on work of Congress.

### **Population, Concentration of**

Jan. 23, inserted by Sen. Heflin, Ala., D., article by Martin Dodge on concentration of population.

### **Porter, Stephen G.**

Jan. 26, extension of remarks by Rep. Erix, Pa., R., on the late Rep. Stephen D. Porter, Pa., R.

### **Postoffice Leases**

Feb. 14, inserted by Sen. Wheeler, Mont., D., newspaper editorials on postoffice leases.

### **Potomac River Valley**

Feb. 13, inserted by Rep. Cramton, Mich., R., article by Robert Sterling Yard.

### **Predatory Animals**

Feb. 3, inserted by Rep. Hastings, Okla., D., letter from U. S. Judge R. L. Williams of Oklahoma on the prevalence of predatory animals in Oklahoma and Arkansas.

### **Appointing Powers of the President**

Jan. 23, inserted by Sen. Goff, W. Va., R., a radio address by Charles E. Morganston, Washington, D. C., Jan. 26, on the appointing and removing powers of the President.

### **Radio**

Jan. 20, inserted by Sen. Dill, Wash., D., an article by Martin Codell on "The World's Radio Bill: Who Foils It and How."

Jan. 23, inserted by Sen. Dill, Wash., D., opinion of U. S. District Court, Eastern District, S. C., on taxes or radio sets.

Jan. 31, inserted by Rep. Sandlin, La., D., radio address of W. K. Henderson, Shreveport, La., on radio allocations.

### **Railroad Consolidation**

Jan. 27, inserted by Sen. Swanson, Va., D., article by K. Foster Murray on effect of proposed railroad consolidation on the port of Norfolk, Va.

Feb. 7, inserted by Rep. Wolverton, W. Va., R., address of John J. Cromwell, general counsel of the B. and O. Railroad Co., Bloomington, Ill., Jan. 1931, on proposed railroad consolidation.

### **Robises, Senator Joseph T.**

Feb. 11, inserted by Sen. Brock, Tenn., D., editorial in *Washington Star* on leadership of Senator Robinson, Ark., D.

### **Robinson, Sam**

Feb. 12, inserted by Rep. Butler, Oreg., R., an article in the *Portland Oregonian* on the fifty-year service of Sam Robinson as an employee of the House.

### **Russia**

Feb. 5, inserted by Sen. Borah, Idaho, R., speech of Sen. Cutting, N. Mex., R., before Republican Club of New York City, Jan. 31, 1931, on recognition of Russia.

Feb. 12, inserted by Sen. Frazur, N. D., R., article by Sen. Wheeler, Mont., D., on recognition of Russia.

Inserted by Rep. Box, Tex., D., articles on "Soviet Dumping and Communistic Activities in the United States."

### **Simott, Nicholas I.**

Jan. 31, inserted by Rep. Korell, Oreg., R., address of Rep. Butler, Oreg., R., on the late Rep. Simott, Oreg.

### **Silver**

Feb. 13, inserted by Rep. Arentz, Nev., R., article from *Mining and Metallurgy*, "Is Silver a Commodity?"

### **Soldiers' Bonus**

Jan. 19, inserted by Rep. Patman, Tex., D., verses by A. W. Blackstone, Jonesboro, Ill.

Jan. 20, inserted by Rep. Patman, Tex., D., article by Rep. Howard, Neb., D.

Jan. 21, extension of remarks by Rep. Edwards, Ga.

Jan. 23, inserted by Rep. Patman, Tex., D., resolutions of Victory Post American Legion, Washington, D. C.

Jan. 23, inserted by Rep. McSwain, S. C., D., resolution by General Assembly of South Carolina.

Jan. 30, extension of remarks by Rep. Taylor, Tenn., D.

Jan. 31, inserted by Sen. Hayden, Ariz., D., article by Capt. H. H. Weimer, National Commander, Disabled American Veterans.

Jan. 31, extension of remarks by Rep. Rankin, Miss., R.

Feb. 4, inserted by Rep. Kading, Wis., R., editorial from *Sheboygan (Wis.) Press*.

Feb. 6, extension of remarks of Rep. Rankin, Miss., D.

Feb. 9, inserted by Rep. Patman, Tex., D., address of John Thomas Taylor, American Legion.

Feb. 10, inserted by Sen. Heflin, Ala., D., radio address of Gen. Jacob S. Coxey, Sr.

Feb. 11, extension of remarks of Rep. Patman, Tex., D., on adjusted service certificates. Extension of remarks of Rep. Hare, S. C., D.

Feb. 12, extension of remarks of Rep. Almon, Ala., D., on adjusted service certificates. Extension of remarks of Rep. Hancock, N. C., D.

Feb. 13, extension of remarks of Rep. Patman, Tex., D., Rep. Sabath, Ill., D.; Rep. Johnson, Okla., D.

### **Stedman, Maj. Charles M.**

Jan. 29, inserted by Rep. Hill, N. C., D., address by Rep. Hancock, N. C., D., on the late Representative Charles M. Stedman of North Carolina.

**Stock Speculation**

Jan. 27, inserted by Sen. Heflin, Ala., D., an article (anonymous) on stock market speculation.

**Summerall, Major Gen. Charles P.**

Jan. 27, extension of remarks by Rep. McSwain, S. C., D., on Gen. Summerall as president of the South Carolina Military College.

**Tariff Commission**

Jan. 30, inserted by Rep. Beers, Pa., R., radio address of Henry P. Fletcher, Chairman, Tariff Commission, on work of Commission, Washington, D. C., Jan. 26.

**Taxation**

Jan. 27, extension of remarks by Rep. Ruth Pratt, N. Y., R., on tax on capital net gains.

**United States and Other American Republics**

Feb. 9, inserted by Rep. Temple, Pa., R., address by Hon. Harry L. Stimson, Secretary of State, before Council on Foreign Relations, New York City, Feb. 6, 1931.

**Veterans**

Jan. 24, extension of remarks by Rep. Swing, Calif., R., on special pension bill for Capt. George Caldwell, U. S. A.

Jan. 24, extension of remarks by Rep. Swing on bill for special pension for Lieut. Arthur L. Hackzell, U. S. N.

Jan. 28, extension of remarks by Rep. Patman, Tex., D., on discrimination against veterans and their dependents.

**White, Governor George (Ohio)**

Jan. 19, inserted by Sen. Bulkley, O., D., inaugural address and message to Legislature of Gov. White, O., Jan. 12 and Jan. 13.

**Widows' Annuity**

Feb. 5, extension of remarks of Rep. McCormack, Mass., D., on widows' annuity.

**Woodrow Wilson**

Jan. 27, inserted by Sen. Glass, Va., D., address of Dr. James Brown Scott, and Justice John H. Clarke at a meeting of the Woodrow Wilson Foundation, Washington, D. C., Jan. 4, 1931.

**World Court**

Jan. 21, inserted by Sen. Dill, Wash., D., a radio address by H. Ralph Burton, of Washington, D. C., Dec. 2, 1930, against American entry into World Court.

Feb. 14, inserted by Sen. Gillett, Mass., R., speech of George W. Wickersham on World Court.

**World Peace**

Jan. 22, extension of remarks by Rep. McSwain, S. C., D., on Dr. Richard Bartholat's and World Peace.

Jan. 27, inserted by Sen. Wagner, N. Y., D., an address by Dr. Nicholas Murray Butler on world peace before the League of Nations Association, Chicago, Jan. 23, 1931.

**World War**

Jan. 17, inserted by Rep. McClintic, Okla., D., article from *Daily Oklahoman* on work of Josephus Daniels as Secretary of the Navy in World War.

Jan. 24, inserted by Sen. Moses, N. H., R., an address by W. S. Bainbridge at dedication of the World War Memorial at Orange, N. J., Nov. 24, 1930.

**World War, Activities of War Department**

Jan. 17, inserted by Sen. Robinson, Ark., D., a speech delivered by Sen. Glass, Va., D. (then a member of the House) in the House, Feb. 7, 1918, on the work of the War Department in the World War.

**Congressional Apportionment**

Jan. 19, inserted by Rep. Thurston, Ia., R., letter from W. M. Steuart, director of Census, containing table of House Apportionment figures.

**Congressional Directory of the West**

Feb. 10, extension of remarks of Rep. Taylor, Colo., D., on dates and length of service of Western Senators and Representatives.

**Constitution of the U. S.**

Jan. 23, inserted by Sen. Wagner, N. Y., D., report of committee of New York State Bar Association in petitions for a Constitutional convention to amend the Constitution of the U. S.

Jan. 23, extension of remarks by Rep. McSwain, S. C., D., on amending the Constitution.

Feb. 14, extension of remarks of Rep. Clark, Md., R., on duty of States to uphold Constitution of U. S.

**Convict Made Goods**

Feb. 13, extension of remarks of Rep. Pittenger, Minn., R., on embargo on convict-made goods.

Feb. 14, inserted by Rep. Miller, Wash., R., memorial from Washington Legislature.

# This Month's Contributors



## Senator Couzens

JAMES COUZENS, Republican; born, Chatham, Ontario, August 26, 1872; married; entered the Senate November 29, 1922; reelected in 1924 and again in 1930; term expires March 3, 1937.—*From Congressional Directory.*

## Senator Howell

ROBERT BEECHER HOWELL, Republican, of Omaha; son of Andrew and Mary Adelia Beecher (Tower) Howell of Adrian, Mich.; married Alice Chase Cullingham, of Omaha; civil engineer; attended public schools, Adrian, Mich.; cadet midshipman, U. S. Navy, 1881; graduated, U. S. Naval Academy, 1885; attended Detroit School of Law, 1892; located in Omaha, 1888; State engineer of Nebraska, 1895-96; city engineer of Omaha, 1896-97; member Board of Visitors, U. S. Naval Academy, 1896; lieutenant, U. S. Navy, Spanish-American War; State senator, 1903-4; appointed to water board (now directorate) Metropolitan Utilities District, Omaha, elected to board 1904, reelected 1910, 1916, 1922; Rep. Nat'l Committeeman, 1912; reelected 1916, 1920; member executive committee, Rep. Nat'l Comm., 1916-1924; Republican nominee for governor, 1914; water commissioner, Omaha, 1912; general manager, Metropolitan Utilities District, operating public water, gas, and ice plants, 1913-23; lieutenant, U. S. Naval Fleet Reserve, 1917-21; chairman Nat'l Radio Service Commission, U. S. Post Office Department, 1921; elected U. S. Senator, 1922; reelected, 1928.—*From Congressional Directory.*

## Senator Dill

CLARENCE C. DILL, Democrat, of Spokane, was born near Fredericktown, Knox County, Ohio, Sept. 21, 1884; attended country schools and graduated from Fredericktown H. S., 1901, taught country school two years; graduated from Ohio Wesleyan Univ., Delaware, Ohio, 1907; newspaper reporter on Cleveland Press and Cleveland Plain Dealer; taught one year in high school, Dubuque, Iowa, and two years in Spokane H. S.; admitted to the bar in State of Washington, 1910; served in office of prosecuting attorney for Spokane County, 1911-1913, as secretary to Gov. Ernest Lister one year; elected to House of Representatives in 1914; reelected in 1916, and defeated in 1918; practiced law in Spokane; married Rosalie Jones, of Cold Spring Harbor, Long Island, N. Y., March 15, 1927; elected to the U. S. Senate, 1922 and 1928; term expires March 3, 1935.—*From Congressional Directory.*

## Senator Kean

HAMILTON F. KEAN, Republican; born Feb. 27, 1862, at "Ursino," Union County, N. J., in which township he now resides; graduate of St. Paul's School, Concord, N. H.; married Katharine Taylor Winthrop; banker and farmer; elected to the Union County Rep. Committee in 1884, and reelected continuously until 1906, during which time he served as sec'y and as treas.; in 1900 was elected chairman of this committee; in 1905 was elected a member of the N. J. Rep. State Committee from Union County and served until 1919, when he was elected to the Rep. Nat'l Comm. from N. J., serving until Jan. 6, 1928; was elected delegate at large to the Republican National Convention at Chicago in 1916, which nominated Charles Evans Hughes for President; unsuccessful candidate for the nomination for U. S. Senator in 1924; elected to the U. S. Senate on Nov. 6, 1928.—*From Congressional Directory.*

## Representative Denison

EDWARD EVERETT DENISON, Republican; born at Marion, Ill.; graduated at Baylor University, Waco, Tex., at Yale University, and at the Columbia University Law School. Admitted to the bar at Springfield, Ill., and practiced law at Marion, Ill., until elected to Congress. Elected to the 64th Congress and reelected to each succeeding Congress.—*From Congressional Directory.*

## Representative Lea

CLARENCE FREDERICK LEA, Democrat, of Santa Rosa, Calif.; born in Lake County, Calif., July 11, 1874; son of James M. and Elizabeth Lea; attended common schools, Lakeport Academy, Stanford Univ., and law department, Univ. of Denver; admitted to bar 1898; district attorney of Sonoma County, 1907 to 1917; president of the District Attorneys' Association of California 1916-17; married Daisy A. Wright, July 18, 1907; suffered loss of only child, Frederick, aged 6 years, Sept. 5, 1918; has served continuously beginning with the 65th Congress, having been reelected since as nominee of both the Democratic and Republican parties.—*From Congressional Record.*

## Representative McSwain

JOHN J. MCSWAIN, Democrat, of Greenville, S. C.; was born at Cross Hill, in Laurens County, S. C., May 1, 1875; is a son of Dr. E. T. McSwain and Janie McGowan McSwain; worked

as a farm hand and attended the country schools; later was prepared for college by the Rev. A. M. Hassell and at Wofford College Fitting School; entered S. C. College in Sept., 1893, and graduated June, 1897, with the degrees of A. B. and L. I.; began teaching school; took a correspondence course in law and a portion of the law course at the Univ. of S. C.; began the practice of law at Greenville, S. C., in 1901; in 1917 entered the first training camp, Fort Oglethorpe, Ga., and was recommended for a commission as captain in the National Army, Infantry branch; commanded Company A, 154th Reg. Inf. until Armistice; was discharged March 6, 1919; returned to Greenville and resumed the practice of law; was elected to the 67th Congress Nov. 2, 1920, without opposition; reelected to the 68th Congress and to the 69th, 70th, 71st, and 72nd Congresses; is a Methodist, Mason, Odd Fellow, and Elk; married Sarah C. McCullough, April 26, 1903, and they have two children.—*From Congressional Directory.*

### Representative Brand

**C**HARLES BRAND, Republican, of Urbana, O., was born on Nov. 1, 1871; graduated from Urbana H. S. and attended Wesleyan Univ., Delaware, O., two years; in 1894 married Louise J. Vance, and they have two children—one boy and one girl, Vance Brand and Mrs. Ed. L. English; engaged in manufacturing, banking and farming; president Urbana City Council, 1911-12; member Ohio Senate, 1921-22; appointed on advisory committee of the War Finance Corporation, 1921; was elected to the 68th Congress; reelected to 69th, 70th, and 71st Congresses.—*From Congressional Directory.*

### Representative Wolverton

**C**HARLES A. WOLVERTON, Republican, of Camden, N. J.; born Oct. 24, 1880, at Camden, N. J., his parents being Charles S. Wolverton and Martha Wolverton; educ. in public schools of Camden, graduating from Camden H. S. June 24, 1897; studied law at the Univ. of Pa. Law School; grad. June 13, 1900, with the degree of LL. B.; admitted to the bar of the State of N. J. at the Nov. term, 1901; married June 25, 1907, to Sara May Donnell, M. D., d. of John Knox Donnell and Anna Donnell; there is one child, Donnell Knox Wolverton; in 1903 revised and compiled the ordinances of the city of Camden; 1904 to 1906 was assistant city solicitor of Camden; 1906 to 1913 was assistant prosecutor of Camden County; from 1913 to 1914, special assistant attorney-general under Attorney-General Edmund S. Wilson; from 1915 to 1918, member of N. J. House of Assembly from Camden County; in 1918 was speaker of the N. J. House of Assembly; 1917 to 1919, associate Federal food administrator for Camden County; in 1920, alternate delegate at large, Rep. Nat'l Conv. at Chicago; 1918 to 1923, prosecutor of the pleas of Camden County; past master, Ionic Lodge, No. 94, F. & A. M.;

also member of Excelsior Consistory, thirty-second degree, Ancient Accepted Scottish Rite; Siloam Chapter, No. 19, R. A. M.; Cyrene Commandery, No. 7, Knights Templar; Van Hook Council, No. 8, R. & S. M.; Lu Lu Temple, Mystic Shrine, Philadelphia; Camden Lodge of Elks, No. 293; Union League of Philadelphia; New Jersey Society of Pennsylvania; Rotary Club of Camden; elected to the 70th Congress in Nov., 1926; reelected to the 71st Congress in Nov., 1928, and to the 72nd Congress in Nov., 1930.—*From Congressional Directory.*

### Representative Patman

**W**RIGHT PATMAN, Democrat, of Texarkana, Tex., born near Hughes Springs, Cass County, Tex., Aug. 6, 1893; reared and worked on farm until 22 years of age; son of John N. Patman and Emma Patman; has resided in Texas all his life; finished high school at Hughes Springs, 1912; tenant farmer, 1913-1915; received LL. B. degree, Cumberland Univ., 1916; assistant to prosecuting attorney of Cass County, 1916-17; enlisted man and machine gun officer in U. S. Army during World War, 1917-1919; married Miss Merle Connor, of Winnsboro, Tex., Feb. 14, 1919; they have four boys—Connor Wright, James Harold, William Neff, and Charles Matthew; served four years as a member of the Texas Legislature and the last two years as chairman of the house committee on State affairs; was district attorney for five years of the fifth judicial district of Texas, composed of the counties of Bowie and Cass; elected to the 71st Congress; is a Missionary Baptist; thirty-second degree Scottish Rite Mason; member of the American Legion.—*From Congressional Directory.*

### Edmund W. Wakelee

**E**DMUND W. WAKELEE, of Newark, N. J., Vice-President, Public Service Coordinated Transport of New Jersey, operating 2,500 motor buses and 1,500 street cars; member of the legislative committee of the National Association of Motor Bus Operators.

### Day Baker

**D**AY BAKER, of Boston, Mass., representing the smaller New England Bus Lines—the Lovell Bus Line, the Eagle Bus Line and the Providence Bus Line.

### John M. Meighan

**J**OHN M. MEIGHAN of Washington, D. C., is Secretary-Manager of the National Association of Motor Bus Operators.

### ▼ This Month's Sources ▼

- 1—No. 267, U. S. Supreme Court Reports, 307 and 317.  
2—Hearings, House Committee on Interstate and Foreign Commerce, Jan. 9, 10, 1930.  
3—House Report No. 783, 71st Cong., 2nd Sess., Feb. 27, 1930. House Interstate and Foreign Commerce Committee.  
4—Congressional Record, March 12, 1930.  
5—Congressional Record, March 20, 1930.  
6—Senate Report 396, Part I, 71st Cong., 2nd Sess., Senate Interstate Commerce Committee.  
7—Senate Report 396, Part II (Minority), Apr. 17, 1930, Senate Interstate Commerce Committee.  
8—Congressional Record, Dec. 4, 1930.  
9—Congressional Record, June 27, 1930.  
10—Congressional Record, Dec. 2, 1930.

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